

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

The accused shall have the right to appeal a final determination of the board to the Superior Court within 10 days. Revocation or suspension of the license of the registrant may be stayed pending determination of the Superior Court only if the registrant can show cause why said revocation or suspension should be stayed.

The board, for reasons it may deem sufficient, may reissue a license to a registrant whose license has been revoked, provided 3 or more members of the board vote in favor of such reissuance. A new license to replace any license revoked, lost, destroyed, or mutilated may be reissued, subject to the rules of the board, and a charge set by the board shall be made for such reissuance.

§ 5019. Violations and penalties

It shall be unlawful for any person to practice forestry or offer to practice forestry or to use in connection with his name, or otherwise assume, use or advertise any title or description that directly or indirectly conveys the impression that he is a registered professional forester in this State unless he is registered or exempt in accordance with the provisions of this chapter. Any person who shall present, or attempt to use as his own, the license of another, or any person who shall give any false or forged evidence to the board or any member thereof in obtaining a license, or any person who shall attempt to use an expired, suspended or revoked license, or any person, firm, partnership or corporation who shall violate any provision of this chapter shall be guilty of a misdemeanor; and upon conviction, shall be fined not less than \$100 or more than \$200 for each offense. The board, or any person or persons designated by the board to act on its behalf, is empowered to prefer charges for any violation of this chapter in any court of competent jurisdiction in any county in the State in which such violation shall have occurred. It shall be the duty of all duly constituted officers of the law of the State, or of any political subdivisions thereof, to enforce the provisions of this chapter and to prosecute any persons, firms, partnerships or corporations violating the same. The Attorney General shall act as legal advisor to the board and shall render such legal assistance as may be necessary in carrying out the provisions of this chapter.

Effective October 1, 1975

CHAPTER 491

AN ACT to Institute a Fee System for Hospital, Nursing Home and Boarding Home Licenses to Fund Costs of Licensing.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, existing boarding homes having more than 6 boarders or lodgers have often been subjected to unnecessary financial strain as they have attempted to comply with certain standards for protected wood frame construction; and

Whereas, these standards of safety are unnecessarily stringent for certain types of existing boarding homes; and

Whereas, the inability of such boarding homes to comply with these stringent standards threatens to cause these boarding homes to close; and

Whereas, the demand for beds in boarding homes is great; and

Whereas, legislation is immediately necessary in order that no boarding home shall have to close unnecessarily thereby creating a shortage of boarding home beds; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 22 MRSA § 5, 3rd sentence, is repealed and the following enacted in place thereof:

The fee for such license for boarding homes having a capacity of 6 or less boarders shall be \$25, and for boarding homes having a capacity of more than 6 boarders the fee shall be \$50.

Sec. 2. 22 MRSA § 1815, first sentence, as amended by PL 1967, c. 231, § 4, is repealed and the following enacted in place thereof:

Each application for a license to operate a hospital, convalescent home or nursing home shall be accompanied by a fee of \$50 for facilities less than 50 beds in size, a fee of \$100 for facilities 51 to 100 beds in size, and a fee of \$200 for facilities larger than 100 beds in size.

Sec. 3. 25 MRSA § 2452, as last amended by PL 1973, c. 660, is further amended by adding at the end a new paragraph to read:

Existing boarding homes or other existing buildings licensed pursuant to Title 22, section 5, having more than 6 boarders, shall comply with any rules and regulations for residential-custodial care facilities required by the State Fire Marshal's Office, except that such existing facilities of not more than 2 stories in height shall not be required to be fire resistive, protected or unprotected noncombustible, protected wood frame or heavy timber construction. Such existing facilities must be protected by a complete approved automatic sprinkler system and meet all other requirements of residential-custodial care facilities as required by the State Fire Marshal's Office.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.