

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
JANUARY 4, 1984 TO APRIL 25, 1984

Whereas, plantations would prefer to hold their annual meeting along with their business meeting for adoption of a budget; and

Whereas, plantations would prefer to hold their business meeting in conjunction with the school business meeting which is held in June; and

Whereas, the intent of the bill is to allow plantations to hold meetings at a more convenient time; and

Whereas, the enactment of this bill would permit plantations to change their annual meeting date this spring; 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:

30 MRSA §5607, as amended by PL 1979, c. 155, is further amended to read:

§5607. Annual meeting

Organized plantations shall hold ~~their~~ an annual meeting in ~~March~~ and choose a clerk, 3 assessors, treasurer, collector of taxes, constable, school committee, one or more surveyors of lumber and 2 or more fence-viewers. The provisions of section 2060, subsection 5, relating to the terms of office and election of assessors shall apply to the terms of office and election of assessors of organized plantations. When money is raised for repair of ways and bridges, the assessors of such plantation shall choose one or more road commissioners as selectmen of towns do.

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

Effective February 14, 1984.

CHAPTER 602

H.P. 1425 - L.D. 1870

AN ACT to Amend the Statutes Governing the
Licensing and Approval of Adult and Child Care
Programs.

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

Sec. 1. 22 MRSA §7802, sub-§2, ¶B, as enacted by PL 1983, c. 386, §2, is amended to read:

B. The terms of full licenses or approvals shall be as follows—

(1) Except as provided in subparagraph subparagraphs (2) and (3), the term of all full licenses and approvals issued pursuant to this chapter shall be for one year.

(2) The term of a residential child care facility license shall be for 2 years.

(3) The term of a drug treatment center license may be for either one or 2 years.

Sec. 2. 22 MRSA §7802, sub-§2, ¶D, as enacted by PL 1983, c. 386, §2, is amended to read:

D. Regardless of the term of the license, or approval or registration, the department shall monitor for continued compliance with applicable laws and rules on at least an annual basis.

Sec. 3. 22 MRSA §7802, sub-§3, as repealed and replaced by PL 1983, c. 386, §2, is amended to read:

3. Failure to comply with applicable laws and rules. In taking action under paragraphs A to C pursuant to this subsection, the department shall notify the licensee of the opportunity to request an administrative hearing or shall file a complaint with the Administrative Court in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

A. When an applicant fails to comply with applicable law and rules, the department may refuse to issue or renew the license or approval.

B. If, at the expiration of a full or provisional license or approval, or during the term of a full license or approval, the facility fails to comply with applicable law and rules and, in the judgment of the commissioner, the best interest of the public would be served, the department may issue a conditional license or approval, or change a full license or approval to a conditional license or approval. Failure by the conditional licensee to meet the conditions specified by the department shall permit the department to void the conditional license or approval or refuse to issue a full license or approval. The

conditional license or approval shall be void when the department has delivered in hand or by certified mail a written notice to the licensee or, if the licensee cannot be reached for service in hand or by certified mail, has left written notice thereof at the agency or facility. For the purposes of this subsection the term "licensee" means the person, firm, corporation or association to whom a conditional license or approval has been issued.

C. Whenever, upon investigation, conditions are found which, in the opinion of the department, immediately endanger the health or safety of persons living in or attending a facility, the department may request the Administrative Court for an emergency suspension pursuant to Title 4, section 1153.

D. Any license or approval issued under this subtitle may be suspended or revoked for violation of applicable law and rules, committing, permitting, aiding or abetting any illegal practices in the operation of the facility or conduct or practices detrimental to the welfare of persons living in or attending the facility.

When the department believes that a license or approval should be suspended or revoked, it shall file a complaint with the Administrative Court as provided in the Maine Administrative Procedure Act, Title 5, chapter 375.

Sec. 4. 22 MRSA §7802, sub-§5, ¶E, as enacted by PL 1983, c. 386, §2, is amended to read:

E. Refuse to issue a provisional license or approval.

Effective July 25, 1984.

CHAPTER 603

H.P. 1445 - L.D. 1897

AN ACT to Clarify Executive and
Judicial Authority Regarding the
Dissolution of Delinquent Insurers.

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