

**§8104. Interagency licensing**

**1. Interagency licensing method.** The Commissioner of Education and the Commissioner of Health and Human Services, or their designees, shall jointly establish a method for interagency licensing of residential child care facilities subject wholly or partly to licensing by both of the departments. The method must provide for the following:

- A. Development of common licensing rules; [PL 1981, c. 260, §5 (NEW).]
  - B. Periodic review of licensing rules; [PL 1981, c. 260, §5 (NEW).]
  - C. Delegation of departmental responsibilities; and [PL 1981, c. 260, §5 (NEW).]
  - D. Determination of licensing fees. [PL 1981, c. 260, §5 (NEW).]
- [PL 2005, c. 397, Pt. A, §28 (AMD).]

**2. Licensing authority.** For the purposes of this section, the Department of Health and Human Services shall have licensing authority for residential child care facilities. This authority shall not relieve any agency of responsibility for the proper and efficient management or evaluation of programs funded by that agency.

[PL 1981, c. 260, §5 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

**3. Common licensing rules.** Common licensing rules developed under this section shall eliminate varying, duplicative and conflicting rules and procedures. Common licensing rules shall also assure, as far as practicable, that:

- A. Licensing is accomplished expeditiously; [PL 1981, c. 260, §5 (NEW).]
  - B. Applicants have to deal with as few agency representatives as possible; [PL 1981, c. 260, §5 (NEW).]
  - C. Consideration is given to special circumstances made known by an applicant which make the timing of licensing investigation unreasonable; [PL 1981, c. 260, §5 (NEW).]
  - D. Applicants are promptly informed of licensing decisions and of the cause for any delay or denial; [PL 1981, c. 260, §5 (NEW).]
  - E. Applicants do not have to obtain information from another agency if the licensing agency can obtain the information more conveniently; and [PL 1981, c. 260, §5 (NEW).]
  - F. Rules are applied uniformly. [PL 1981, c. 260, §5 (NEW).]
- [PL 1981, c. 260, §5 (NEW).]

**4. Authority to change daily rate for unlicensed foster care providers.** Notwithstanding any other provision of law, the department may change the daily rates for foster board and care paid to unlicensed homes and may provide the opportunity for those unlicensed homes, if they choose to apply, to pursue licensure that could result in a higher rate of payment.

[PL 2005, c. 12, Pt. RR, §1 (NEW).]

**SECTION HISTORY**

PL 1981, c. 260, §5 (NEW). PL 1981, c. 493, §2 (AMD). PL 1989, c. 700, §A95 (AMD). PL 1991, c. 824, §A49 (AMD). RR 1995, c. 2, §46 (COR). PL 2001, c. 354, §3 (AMD). PL 2003, c. 689, §B6 (REV). PL 2005, c. 12, §RR1 (AMD). PL 2005, c. 397, §A28 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Maine Legislature and is current through January 1, 2025. The*

*text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.