



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

---

Legislative Document

No. 330

---

S.P. 126

In Senate, February 12, 2013

### An Act To Require All Lodging Places To Be Licensed by the State

---

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator PATRICK of Oxford.  
Cosponsored by Representative PETERSON of Rumford and  
Senators: CUSHING of Penobscot, JACKSON of Aroostook, Representative: MASON of  
Topsham.

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

2 **Sec. 1. 22 MRSA §2501, first ¶**, as amended by PL 2011, c. 193, Pt. B, §10, is  
3 further amended to read:

4 ~~Private homes are not deemed or considered lodging places and subject to a license~~  
5 ~~when not more than 5 rooms are let; such private homes must post in a visible location in~~  
6 ~~each rented room a card with the following statement in text that is easily readable in no~~  
7 ~~less than 18 point boldface type of uniform font "This lodging place is not regulated by~~  
8 ~~the State of Maine Department of Health and Human Services, Maine Center for Disease~~  
9 ~~Control and Prevention." The homes must provide guests upon check in with a notice~~  
10 ~~containing the same information.~~ A license is not required from dormitories of  
11 charitable, educational or philanthropic institutions, fraternity and sorority houses  
12 affiliated with educational institutions; or from private homes used in emergencies for the  
13 accommodation of persons attending conventions, fairs or similar public gatherings, nor  
14 from temporary eating establishments and temporary lodging places for the same, nor  
15 from railroad dining or buffet cars, nor from construction camps, nor from boarding  
16 houses and camps conducted in connection with wood cutting and logging operations, nor  
17 from any boarding care facilities or children's homes that are licensed under section 7801.

18 **Sec. 2. 22 MRSA §2501, 2nd ¶**, as amended by PL 2011, c. 193, Pt. B, §10, is  
19 repealed.

20 **Sec. 3. 30-A MRSA §3801, sub-§3, ¶A**, as enacted by PL 1987, c. 737, Pt. A, §2  
21 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is  
22 further amended to read:

23 A. A house where lodgings are rented to ~~fewer than 5~~ lodgers who are persons within  
24 the 2nd degree of kindred to the person operating the lodging house;

25 ~~(1) The term "lodger" does not include persons within the 2nd degree of kindred~~  
26 ~~to the person operating the lodging house;~~

27 **Sec. 4. 30-A MRSA §3811, sub-§1**, as enacted by PL 1987, c. 737, Pt. A, §2 and  
28 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is  
29 repealed.

30 **SUMMARY**

31 Current law requires lodging places to be licensed by the Department of Health and  
32 Human Services; lodging houses may be licensed by the municipality under the direction  
33 of state law. Private homes when not more than 5 rooms are let, rooms and cottages  
34 where not more than 3 rooms or cottages are let and fraternity and sorority houses  
35 affiliated with educational institutions are exempt from licensing by the State. Lodging  
36 houses with fewer than 5 lodgers are exempt from municipal licensing. The dormitories  
37 of charitable, educational or philanthropic institutions and houses used in emergency  
38 situations are exempt from both state and municipal licensing.

1           This bill removes the exemptions from state licensing of lodging places, private  
2 homes and inns, requiring them all to be licensed by the State, and repeals the authority of  
3 a municipality to license lodging houses since it will now be done by the State. Fraternity  
4 and sorority houses affiliated with educational institutions, dormitories of charitable,  
5 educational or philanthropic institutions and houses used in emergency situations remain  
6 exempt from state licensing.