

# MAINE STATE LEGISLATURE

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J.H.W.

June 15, 1960

E. W. Campbell, Dr. P.H., Director, Division of Sanitary Engineering

George C. West, Assistant Attorney General

**Eating Places**

Reference is made to your memo of March 8, 1960 in which you ask several questions. Very frankly, I think that your questions are all answered either in the Statute or in Judge Fogg's statement which you quote here in this memo.

If you will read the Statute carefully you will see that in Chapter 25, Section 160 it says that no person shall conduct, control, manage or operate any eating place unless the same be licensed by the Department. In Section 162 it says the Department is empowered to license eating places. In other words, the place where food is eaten or consumed is to be licensed. I think the wording of the Statute is very clear. The quoted statement says that Judge Fogg ruled that "any place providing and serving food for consumption on the premises would require a license." That sums up the whole thing.

The answer is that any place which is an eating place, in other words any place where people eat or consume food, is to be licensed. It does not make any difference where that place is or what it is. Anyone conducting, controlling, managing, or operating a place at which people eat requires a license.

Apparently the thought of the Legislature in enacting this Statute was that people who indulge in eating away from home should have a clean and sanitary place in which to consume the food. It is just as simple as that.

I don't think it is necessary to answer the four questions which you have outlined.

I do not think the question of the place of preparation of food is at all pertinent in this matter. Food may be prepared at one place and sold somewhere else. After all, bread is a food but it is prepared in a bakery and sold in a store. Neither of those places are eating places. I think the question is, Who conducts, controls, manages, or operates the place where food is served and consumed?