

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1489

H. P. 1260

House of Representatives, April 11, 1977

On motion of Ms. Clark of Freeport, referred to Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Goodwin of South Berwick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT to Clarify Certain Statutory Provisions for the Licensing of Camps,
Eating and Lodging Places.**

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

Sec. 1. 22 MRSA § 249I, sub-§ 7, as enacted by PL 1975, c. 496, § 3, is amended to read:

7. **Eating establishment.** "Eating establishment" means any place where food or drink is prepared and served, or served to the public ~~for consumption on the premises~~, or catering establishments, or establishments dispensing food from vending machines, or establishments preparing foods for vending machines dispensing foods other than in original sealed packages, such as hotels, motels, boarding homes, restaurants, mobile eating places, coffee shops, cafeterias, short order cafes, luncheonettes, grills, tearooms, sandwich shops, soda fountains, bars, cocktail lounges, night clubs, roadside stands, industrial feeding establishments, private or public institutions routinely serving foods, stores, airports, parks, theaters, vacation camps or any other catering or nonalcoholic drinking establishments or operations where food is prepared and served or served for consumption on the premises, or catering establishments where food is prepared, or where foods are prepared for vending machines dispensing food other than in original sealed packages.

Sec. 2. 22 MRSA § 2495, 1st ¶, 2nd sentence, as enacted by PL 1975, c. 496, § 3, is repealed and the following enacted in its place:

When an applicant is found not to meet the requirements of this chapter or to comply with the rules and regulations of the department, the department may refuse to issue a license, or, at its discretion, may issue either a tem-

porary license for a specified period not to exceed 90 days, during which time corrections specified by the department shall be made by that applicant for compliance, or a conditional license setting forth conditions which shall be met by the applicant to the satisfaction of the department.

Sec. 3. 22 MRSA § 2495, 2nd ¶ as enacted by PL 1975, c. 496, § 3, is amended to read:

~~A full year license~~ Annual licenses shall be issued ~~for one year from the date of issuance~~ and the prescribed fee shall accompany the application for license.

Sec. 4. 22 MRSA § 2495, 3rd ¶, as enacted by PL 1975, c. 496, § 3, is amended to read:

The department shall, ~~during the 2 year period following the effective date of this Act~~ by prorating existing and new licenses, redistribute the expiration dates of ~~the existing~~ licenses so that an equal number expire in each ~~month~~ quarter of the year thus allowing for distributing the work of relicensure evenly throughout the year.

Sec. 5. 22 MRSA § 2496, 1st ¶, as enacted by PL 1975, c. 496, § 3, is repealed and the following enacted in its place:

The department shall promulgate rules and regulations for persons and facilities required to obtain a license under section 2492 and for the administration of this chapter, which shall include, but not be limited to, rules and regulations pertaining to the health and safety of the public, the customers and staff, the sanitation and cleanliness of facilities, and the sanitary handling, storing, preparation and serving of food. These rules and regulations may be amended or repealed from time to time.

Sec. 6. 22 MRSA § 2500, as enacted by PL 1975, c. 496, § 3, is amended by adding at the end the following new sentence:

Failure of a licensee to comply with the applicable statutes or rules and regulations shall be grounds for the Administrative Court Judge to suspend or revoke a license.

STATEMENT OF FACT

The purpose of this bill is to remove the words "for consumption on the premises" by section 1, which would allow the department to license and inspect stores which prepare pizzas, Italian sandwiches and other types of food sold on a take-out basis. This type of establishment does not have to comply with any sanitation requirements and many complaints have been received by the department regarding the lack of clean and sanitary conditions in such stores.

Under the present law, the department does not have specific authority to refuse to issue a license when an applicant does not meet basic requirements. Section 2 would give the department that authority.

Section 3 and 4 would allow the department to renew licenses in a more efficient manner.

Section 5 clarifies the authority of the department to promulgate regulations.

Section 6 gives the Administrative Court Judge specific authority to revoke or suspend licenses for failure to comply with the rules and regulations adopted by the department.