

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 752

H. P. 607

House of Representatives, February 23, 1979

Referred to the Committee on Legal Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Morton of Farmington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**AN ACT to Remove Duplicating License and Inspection Requirements for  
Victualers.**

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

**Sec. 1.** 22 MRSA § 2162-A is enacted to read:

**§ 2162-A. Exception for other licenses**

**1. License.** When any person, corporation, firm or copartnership is licensed or permitted by this department or any other state department or agency for the storage, preparation or serving of food, no separate license shall be required under this chapter.

The commissioner shall, in a manner consistent with Title 5, chapter 375, after public hearings, make regulations to provide for identification of those licensees and for avoidance of overlapping or duplicating licenses or permits.

**2. Inspection.** When any person, corporation, firm or copartnership is subject to inspection by this department or any other state department or agency relating to the storage, preparation or serving of food, no separate inspection shall be required under this chapter.

The commissioner, in cooperation with other departments or agencies, shall, in a manner consistent with Title 5, chapter 375, after public hearings, make

regulations to insure that any licensed premises are inspected by only one state department or agency for compliance with this chapter or any other statute governing the storage, preparation or serving of food.

3. **Municipal inspections.** The provisions of section 2499 shall apply to this chapter.

Sec. 2. 22 MRSA § 2499-A is enacted to read:

§ 2499-A. **Exception for other licenses**

1. **License.** When any person, corporation, firm or copartnership is licensed or permitted by this department or any other state department or agency for the storage, preparation or serving of food, no separate license shall be required under this chapter.

The commissioner shall, in a manner consistent with Title 5, chapter 375, after public hearings, make regulations to provide for identification of those licensees and for avoidance of overlapping or duplicating licenses or permits.

2. **Inspection.** When any person, corporation, firm or copartnership is subject to inspection by this department or any other state department or agency relating to the storage, preparation or serving of food, no separate inspection shall be required under this chapter.

The commissioner, in cooperation with other departments or agencies, shall, in a manner consistent with Title 5, chapter 375, after public hearings, make regulations to insure that any licensed premises are inspected by only one state department or agency for compliance with this chapter or any other statute governing the storage, preparation or serving of food.

Sec. 3. 30 MRSA § 2751, as amended by PL 1965, c. 243, § 5, is further amended to read:

§ 2751. **License required**

No person shall be a common inkeeper ~~vietualer~~ or tavernkeeper without a license, under a penalty of not more than \$50.

Sec. 4. 30 MRSA § 2752, 1st ¶, 2nd sentence as amended by PL 1975, c. 531, § 2, is further amended to read:

At such meeting they may license under their hands as many persons of good moral character, and under such restrictions and regulations as they deem necessary, to be inkeepers ~~vietualers~~ and tavernkeepers in said town, until the last day in May of the next year, in such house or other building as the license specifies.

Sec. 5. 30 MRSA § 2754 as amended by PL 1965, c. 243, § 8, is further amended to read:

§ 2754. **Fee and record**

Every person licensed as an inkeeper ~~victualer~~ or tavernkeeper shall pay to the treasurer for the use of the town a fee of \$1 and such additional amount as the town may by ordinance or bylaw prescribe. ~~Such ordinance or bylaw may, for the purpose of fixing such fees, establish classifications of victualers according to the size, nature or other condition of business conducted and may prescribe for each of such classifications an appropriate fee which shall not in any case exceed the sum of \$10 in towns of less than 10,000 population or the sum of \$20 in towns over 10,000 population, excepting any town wherein a larger fee was permitted by law on July 20, 1939~~

**Sec. 6. 30 MRSA § 2756, 1st sentence,** is amended to read:

Licenses required by section 2755 may be issued by the same persons issuing inkeepers' ~~and common victualers'~~ licenses, as provided in section 2752, and shall be for the same period as provided in said section.

#### STATEMENT OF FACT

The purpose of this bill is to remove requirements for more than one license or inspection to store, prepare and serve food. The various state agencies and departments concerned with issuing those licenses will be required under this bill to coordinate their licenses and inspections, and to issue only one license and to avoid duplication in their inspections. The bill also repeals the municipal victualer's license.

This bill may result in some loss of revenue because it removes licenses and license fees when those activities are already licensed under different statutory provisions. The extent of this revenue loss is undetermined. There will also be a cost-savings to the state as the number of inspections will be reduced under this bill.