

# FIRST REGULAR SESSION

### ONE HUNDRED AND THIRTEENTH LEGISLATURE

### Legislative Document

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## NO. 1381

H.P. 1023 Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.

Reference to the Committee on Agriculture suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative BRAGG of Sidney. Cosponsored by Senators GILL of Cumberland, BRANNIGAN of Cumberland, and Representative RICHARD of Madison.

## STATE OF MAINE

# IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Strengthen the Laws Relating to Food Safety.

4 Be it enacted by the People of the State of Maine as 5 follows:

6 Sec. 1. 22 MRSA §2167, as enacted by PL 1979, c.
7 672, Pt. A, §54, is amended by adding at the end a
8 new paragraph to read:

Any person, firm or corporation who violates this licensing requirement or any condition placed on any such license commits a civil violation for which a forfeiture of not more than \$1,000 may be adjudged for each offense and, in addition, the commissioner may suspend, revoke or refuse to renew any such license in accordance with Title 5, chapter 375, subchapter V.

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1 Sec. 2. 22 MRSA §2172 is enacted to read: 2 §2172. Sales to unlicensed food establishments 3 No person, firm or corporation may sell food to a 4 food establishment which has not been issued a license by the commissioner, nor may any person, firm 5 or corporation sell food products to a food estab-6 7 lishment during any period when that establishment's 8 license has been suspended. Any person, firm or corporation who knowingly violates this section commits 9 a civil violation for which a forfeiture of not more 10 than \$500 may be adjudged for each offense. 11

#### STATEMENT OF FACT

13 This bill clarifies the conditions and penalties 14 associated with Maine's food establishment licensing 15 laws and rules. The bill establishes a forfeiture for 16 licensing violations. Current penalty provisions do 17 not include an explicit penalty for operating a food establishment without a license. In addition, the bill explicitly states the commissioner's existing 18 19 20 authority to suspend, revoke or refuse to renew a li-21 cense in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. This addresses a formal request by the United States Food and Drug Administration that Maine's food establishment licens-22 23 24 25 ing provisions be amended to clearly state the com-26 missioner's authority.

27 This bill prohibits sales of food products to un-28 licensed food establishments and establishments which 29 licenses have been suspended or revoked due to violations of Maine's food establishment laws or 30 rules. 31 bill makes these sales illegal and establishes a The 32 forfeiture of up to \$500 for vendors who knowingly 33 violate this prohibition.

This bill is intended to enhance the commissionser's ability to protect the public from potential food-related health risks.

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