

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2428

H.P. 1775 House of Representatives, March 3, 1988
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Human Resources suggested
and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative MANNING of Portland.

Cosponsored by Senators GILL of Cumberland, GAUVREAU of
Androscoggin and Representative PINES of Limestone.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 AN ACT to Increase the Frequency of
2 Restaurant Inspections.
3

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

6 Sec. 1. 22 MRSA §2494, as amended by PL 1983,
7 c. 553, §20, is further amended to read:

1 §2494. Fees

2 Each application for, or for renewal of, a license
3 to operate an eating establishment, eating and lodging
4 place, lodging place, recreational camp or camping
5 area within the meaning of this chapter shall be
6 accompanied by a fee, appropriate to the size of the
7 establishment, place, camp or area of the licensee,
8 determined by the department and not to exceed \$40
9 \$125. Any eating establishment which is located in a
10 municipality which requires local inspections of
11 eating establishments shall be assessed a fee by the
12 State not to exceed \$10 for any inspection. All fees
13 collected by the department shall be deposited in the
14 General Fund. No such fee may be refunded. No
15 license may be assignable or transferable.

16 All such fees are for the license and the
17 initial licensure inspection, 2 licensure inspections
18 and one follow-up inspection. When additional
19 inspections are required to determine an applicant's
20 eligibility for licensure, the department is
21 authorized through its regulations rules to charge
22 an additional ~~\$10~~ \$20 fee to cover the costs of
23 each additional inspection or visit. Failure to pay
24 such charges within 90 30 days of the billing date
25 shall constitute grounds for revocation of said the
26 license, unless an extension for a period not to
27 exceed 90 60 days is granted in writing by the
28 commissioner.

29 Sec. 2. 22 MRSA §2497, as amended by PL 1985,
30 c. 771, §5, is further amended to read:

31 §2497. Right of entry and inspection

32 The department and any duly designated officer or
33 employee thereof of the department shall have the
34 right, without an administrative inspection warrant,
35 to enter upon and into the premises of any
36 establishment licensed pursuant to this chapter at any
37 reasonable time in order to determine the state of
38 compliance with this chapter and any rules and
39 regulations in force pursuant thereto to this
40 chapter. The department shall make an inspection of

1 the premises of any establishment licensed under this
 2 chapter at least twice in each year, provided that if
 3 that establishment operates for less than 26
 4 consecutive weeks annually, the department may inspect
 5 it only once in each year. Such right of entry and
 6 inspection shall extend to any premises which the
 7 department has reason to believe is being operated or
 8 maintained without a license but no such entry and
 9 inspection of any premises may be made without the
 10 permission of the owner or person in charge unless a
 11 search warrant is obtained authorizing entry and
 12 inspection. The department and any duly designated
 13 officer or employee thereof of the department does
 14 not have the right to enter, for inspection under this
 15 chapter, upon and into the premises of any
 16 establishment that is licensed under chapter 551,
 17 subchapter I.

18 **Sec. 3. Appropriation.** The following funds are
 19 appropriated from the General Fund to carry out the
 20 purposes of this Act.

21		<u>1988-89</u>
22	<u>ATTORNEY GENERAL,</u>	
23	<u>DEPARTMENT OF</u>	
24	Positions	(2)
25	Personal Services	\$51,000
26	All Other	3,000
27	Capital Expenditures	2,000
28		
29	Total	<u>\$56,000</u>

30 Provides funds for one
 31 attorney and one
 32 clerical position in
 33 order to carry out the
 34 purposes of this Act.

35 HUMAN SERVICES,
 36 DEPARTMENT OF

37 Positions (14)

1 Personal Services \$366,000
2 Provides funds for 14
3 restaurant inspectors,
4 in order to carry out
5 the purposes of this
6 Act.

7 STATEMENT OF FACT

8 The number of health-related incidents at
9 restaurants has been increasing. At best, restaurants
10 in this State are only inspected for health safety
11 once a year. Additional inspectors are needed to
12 increase the number of inspections that can be done by
13 the Department of Human Services. More frequent
14 inspections are needed to ensure the health and safety
15 of the State's citizens and to prevent a chilling
16 effect on the State's tourism because of apprehension
17 about the sanitary conditions in the State's
18 restaurants. This bill requires more inspections by
19 health inspectors for Maine's restaurants and provides
20 legal support through the Attorney General's office.
21 The bill increases fees for such inspections, thereby
22 supporting the expansion of the inspection program.
23 The bill also decreases the time periods in which
24 restaurants must pay any inspection fees.

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