

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

92
R. of S.

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48

STATE OF MAINE
SENATE
116TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "B" to H.P. 215, L.D. 283, Bill, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995"

Amend the amendment by inserting after Part. HHHH the following:

PART III

Sec. III-1. 22 MRSA §1579-A, sub-§4, as enacted by PL 1989, c. 451, §2, is amended to read:

4. Licensure requirement. The Department of Human-Services Agriculture, Food and Rural Resources shall implement rules, pursuant to section 2496, that make the failure to provide for a no-smoking area under the provisions of subsection 2 a violation of the eating establishment licensure rules. Employees of the department inspecting restaurants pursuant to their authority under chapter 562 shall determine whether the restaurant is in compliance with and enforce this section.

Sec. III-2. 22 MRSA §2491, sub-§§3 and 5, as amended by PL 1975, c. 293, §4, are further amended to read:

3. Commissioner. "Commissioner" means the Commissioner of Human-Services Agriculture, Food and Rural Resources.

5. Department. "Department" means the Department of Human Services Agriculture, Food and Rural Resources.

Sec. III-3. 22 MRSA §2497, as amended by PL 1991, c. 591, Pt. J, §4, is further amended to read:

SENATE AMENDMENT

R. of S.

§2497. Right of entry and inspection

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

The department and any duly designated officer or employee of the department have the right, without an administrative inspection warrant, to enter upon and into the premises of any establishment licensed pursuant to this chapter at any reasonable time in order to determine the state of compliance with this chapter and any rules in force pursuant to this chapter. The department shall make an inspection of the premises of any establishment licensed under this chapter at least once in each year. Such The right of entry and inspection extends to any premises which that the department has reason to believe is being operated or maintained without a license but no such entry and inspection of any premises may be made without the permission of the owner or person in charge unless a search warrant is obtained authorizing entry and inspection. ~~The department and any duly designated officer or employee of the department do not have the right to enter, for inspection under this chapter, upon and into the premises of any establishment that is licensed under chapter 551, subchapter I.~~

Sec. III-4. Transition provisions.

1. The Department of Agriculture, Food and Rural Resources is the successor in every way to the powers, duties and functions of the Department of Human Services set forth in the Maine Revised Statutes, Title 22, chapter 562, relating to the licensing, inspecting and regulation of eating establishments and camping areas.

2. All existing rules and procedures in effect, in operation or adopted by the Department of Human Services, or any of its administrative units, relating to Title 22, chapter 562, are declared to be in effect and continue to be in effect until rescinded, revised or amended by the Department of Agriculture, Food and Rural Resources.

3. All existing contracts, agreements, compacts of the Department of Human Services relating to Title 22, chapter 562 continue in effect and all obligations and rights thereby created become the obligations and rights of the Department of Agriculture, Food and Rural Resources.

4. All records, property and equipment in the possession of the Department of Human Services that pertain to or were allocated or assigned for the use of the Bureau of Health in carrying out of its responsibilities under Title 22, chapter 562, become the records, property and equipment of the Department of Agriculture, Food and Rural Resources.

R. of S.

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "B" to H.P. 215,
L.D. 283

5. The Commissioner of Human Services and the Commissioner of Agriculture, Food and Rural Resources shall cooperate fully in the transition of responsibilities for Title 22, chapter 562. The Commissioner of Agriculture, Food and Rural Resources shall also cooperate with the Commissioner of Human Services by providing reasonable use of the staff and other resources transferred under this Part so that the Department of Human Services can continue in the short term to meet its responsibilities under Title 22, chapters 263-A, 265, 266, 270, 270-B and 602 and Title 32, chapters 18 and 63, the commissioners shall jointly prepare recommendations relative to the long-term administration and enforcement of these chapters.

Sec. III-5. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1993-94 1994-95

HUMAN SERVICES, DEPARTMENT OF

Bureau of Health - Division of Health Engineering

Positions - Legislative Count	(-10.0)	(-10.0)
Personal Services	(\$323,631)	(\$322,594)
All Other	(72,408)	(74,056)

Provides for the deappropriation of funds for 9 Sanitarian II positions and one Clerk Typist II position, together with related All Other funds, in connection with the transfer of the Eating and Lodging program to the Department of Agriculture, Food and Rural Resources.

DEPARTMENT OF HUMAN SERVICES		
TOTAL	(396,039)	(396,650)

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Public Services - Agriculture

Positions - Legislative Count	(10.0)	(10.0)
Personal Services	323,631	322,594

2 All Other 72,408 74,056

4 Provides for the
6 appropriation of funds for 9
8 Sanitarian II positions and
10 one Clerk Typist II position,
12 together with related All
Other funds, in connection
with the transfer of the
Eating and Lodging program
from the Department of Human
Services.

14 DEPARTMENT OF AGRICULTURE, FOOD
AND RURAL RESOURCES

16 TOTAL 396,039 396,650

18 PART III-5
TOTAL APPROPRIATIONS \$-0- \$-0-

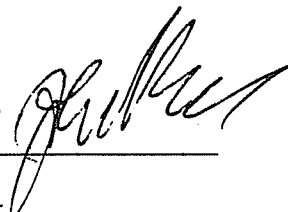
20 Further amend the amendment by relettering or renumbering
22 any nonconsecutive Part letter or section number to read
24 consecutively.

26 FISCAL NOTE

28 This amendment will have no net effect on General Fund
30 appropriations and revenue and a balanced budget is maintained
for fiscal year 1993-94 and fiscal year 1994-95.

32 STATEMENT OF FACT

34 This amendment transfers the function of inspection of
36 restaurants from the Department of Human Services to the
Department of Agriculture, Food and Rural Resources.

38
40
42 (Senator BALDACCI)
SPONSORED BY: 

44 COUNTY: Penobscot

46 Reproduced and Distributed Pursuant to Senate Rule 12.
(6/29/93) (Filing No. S-348)