

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 266

H.P. 229

House of Representatives, January 23, 2001

**An Act to Consolidate All Aspects of Licensing and Enforcement of
Agricultural Fairs Under the Department of Agriculture, Food and Rural
Resources.**

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative BUNKER of Kossuth Township.
Cosponsored by Senator NUTTING of Androscoggin and
Representatives: HATCH of Skowhegan, JONES of Greenville, WATSON of Farmingdale,
Senator: KILKELLY of Lincoln.

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

4 **Sec. 1. 22 MRSA §2496, last ¶**, as enacted by PL 1999, c. 727,
§1, is amended to read:

6 Beginning March 1, 2001, rules regulating tent and
7 recreational vehicle parks, ~~agricultural-fair-camping-facilities,~~
8 temporary campgrounds and wilderness recreational parks are major
substantive rules as defined in Title 5, chapter 375, subchapter
10 II-A. This paragraph is repealed March 1, 2004.

12 **Sec. 2. 22 MRSA §2501**, as amended by PL 1977, c. 78, §148, is
further amended to read:

14 **§2501. Exceptions**

16 Private homes shall ~~may~~ not be deemed-~~or~~ considered lodging
18 places and subject to a license where not more than 3 rooms are
let. A license shall ~~may~~ not be required from dormitories of
20 charitable, educational or philanthropic institutions, fraternity
and sorority houses affiliated with educational institutions, or
22 from private homes used in emergencies for the accommodation of
persons attending conventions, fairs or similar public
24 gatherings, nor from temporary eating and lodging places for the
same, nor from railroad dining or buffet cars, nor from
26 construction camps, nor from boarding houses and camps conducted
in connection with wood cutting and logging operations, nor from
28 any boarding care facilities or children's homes ~~which~~ that are
licensed under section 7801.

30 Cottages shall ~~may~~ not be deemed--~~or~~ considered lodging
32 places and subject to a license where not more than 3 cottages
are let.

34 Stores or other establishments, where bottled soft drinks or
36 ice cream is sold for consumption from the original containers
only, and where no tables, chairs, glasses or other utensils are
38 provided in connection with such sale, shall ~~may~~ not be
considered eating places within the meaning of this section. At
40 such establishments, straws or spoons may be provided to aid in
the consumption of such bottled soft drinks or ice cream,
42 ~~provided-they-shall-be~~ as long as they are supplied in original
individual single service sterile packages.

44 Nonprofit organizations including, but not limited to, 4-H
46 Clubs, scouts and agricultural societies shall-be are exempt from
department rules and regulations relating to dispensing foods and
48 nonalcoholic beverages at not more than 12 public events or meals
within one calendar year.

50

2 A person is exempt from the licensing requirements imposed
3 by and rules adopted pursuant to this chapter for activities
4 occurring at an agricultural fair or exhibition licensed in
5 accordance with Title 7, chapter 3.

6 **Sec. 3. Commissioner's review and report.** The Commissioner of
7 Agriculture, Food and Rural Resources shall review statutory
8 provisions and rules regulating the sale of food, the operation
9 of camping areas and other activities relating to food and
10 lodging offered at fairs and exhibitions in the State. The
11 commissioner shall determine the adequacy of provisions
12 implemented by the Department of Agriculture, Food and Rural
13 Resources to ensure public health and safety. The commissioner
14 shall amend rules adopted under the Maine Revised Statutes, Title
15 22, section 2153 when changes are needed to ensure public health
16 and safety. The commissioner shall submit legislation, if
17 needed, to authorize additional rulemaking by the department or
18 to enact or amend existing statutory provisions to ensure public
19 health and safety. The commissioner shall report to the Joint
20 Standing Committee on Agriculture, Conservation and Forestry
21 before January 15, 2002 on the commissioner's findings and
22 recommendations.

24

25 SUMMARY

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27 This bill exempts food establishments, camping areas and
28 lodging at fairs and agricultural exhibitions from the licensing
29 and regulatory jurisdiction of the Department of Human Services.
30 It requires the Commissioner of Agriculture, Food and Rural
31 Resources to review existing provisions for regulating food,
32 camping and lodging at agricultural fairs and make
33 recommendations to ensure the provisions are adequate to protect
34 public health and safety.