

MAINE STATE LEGISLATURE

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HEALTH AND HUMAN SERVICES

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STATE OF MAINE

SENATE

125TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 273, L.D. 869, Bill, "An Act To Clarify the State's Authority under Public Health Laws for Municipal Inspections of Establishments"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 22 MRSA §2499, first ¶, as enacted by PL 1975, c. 496, §3, is amended to read:

Notwithstanding any other provisions of this chapter, the in order to ensure statewide uniformity in health standards, health inspector certification and the maintenance of inspection report records, a municipality must have been delegated authority by the department to conduct inspections and demonstrated adherence to requirements under this section prior to performing any municipal inspections under such authority. A municipality that has not been delegated authority is prohibited from licensing or inspecting establishments. The department may issue a license to establishments an establishment as defined in section 2491 on the basis of an inspection performed by an a health inspector who works for and is compensated by the municipality in which such an establishment is located, but only if the following conditions have been met.

Sec. 2. 22 MRSA §2499, sub-§1, as enacted by PL 1975, c. 496, §3, is amended to read:

1. Adopted rules; code of standards. The municipality involved has adopted ~~a set of rules and regulations~~, ordinances or ~~other~~ a code of standards for ~~such the~~ establishments ~~which that~~ has been approved by the department and ~~which that~~ is consistent with the ~~regulations~~ rules used by the department for the issuance of ~~such~~ licenses in effect at the time of inspection.'

SUMMARY

This amendment replaces the bill. It allows only municipalities that have been delegated authority by the Department of Health and Human Services to inspect

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establishments. A municipality that has not been delegated authority may not license or inspect establishments.