

MAINE STATE LEGISLATURE

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ROOMS

L.D. 1387

Date: 6/6/13

(Filing No. H-371)

HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 990, L.D. 1387, Bill, "An Act To Provide Clarity and Consistency in Routine Public Health Licensing Activities"

Amend the bill by striking out all of section 2 and inserting the following:

'Sec. 2. 22 MRSA §1686, first ¶, as repealed and replaced by PL 1987, c. 769, Pt. A, §73, is amended to read:

~~Unless it is licensed for fewer than 13 seats and is not licensed for on-premise consumption of alcoholic beverages, an~~ An eating establishment shall ~~must~~ provide at least one toilet facility for the use of its customers. Toilet facilities ~~which that~~ require access through the food preparation area or the use of which would in any way cause the establishment to be in violation of any state law or rule shall ~~may~~ not be considered as fulfilling this requirement. The location of the toilets shall ~~must~~ be clearly marked, ~~and the toilets must be~~ maintained in a sanitary condition, ~~and~~ in good repair and their location ~~must be~~ identifiable from the eating area. There ~~shall may not be~~ no a charge for their use. Lavatory facilities shall ~~must~~ be located within or immediately adjacent to all toilet rooms or vestibules.'

Amend the bill by striking out all of section 4 and inserting the following:

'Sec. 4. 22 MRSA §2491, sub-§7-F, as enacted by PL 2011, c. 193, Pt. A, §6, is amended to read:

7-F. Lodging place. "Lodging place" means a building or structure, or any part of a building or structure, used, maintained, advertised or held out to the public as a place where sleeping accommodations are furnished to the public for business purposes. "Lodging place" includes, but is not limited to, hotels, motels, ~~guest homes and cottages~~ bed and breakfasts and inns where the owner or managing entity maintains the ~~sleeping accommodations~~ lodging facilities and the structures are located in the same general physical location. "Lodging place" includes a property under common management where 4 or more rooms, cottages or condominium units are rented to the public. "Lodging place" does not include vacation rentals, youth camps, dormitories of charitable, educational or philanthropic institutions, fraternity or sorority houses affiliated

COMMITTEE AMENDMENT

1 with educational institutions, permanent residences, rooming houses, tenancies at will or
2 rental properties with tenant and landlord relationships.

3 Sec. 5. 22 MRSA §2491, sub-§17 is enacted to read:

4 17. Vacation rental. "Vacation rental" means a residential property that is rented
5 for vacation, leisure or recreation purposes for a day, a week or a month, and typically
6 under 30 days but not for more than an entire summer or winter season, to a person who
7 has a place of permanent residence to which the person intends to return.'

8 Amend the bill by inserting after section 5 the following:

9 'Sec. 6. 22 MRSA §2501, first ¶, as amended by PL 2011, c. 193, Pt. B, §10, is
10 further amended to read:

11 Private homes are not deemed or considered lodging places and subject to a license
12 when not more than 5 rooms are let; such private homes must post in a visible location in
13 each rented room a card with the following statement in text that is easily readable in no
14 less than 18-point boldface type of uniform font "This lodging place is not regulated by
15 the State of Maine Department of Health and Human Services, Maine Center for Disease
16 Control and Prevention." The homes must provide guests upon check-in with a notice
17 containing the same information. A license is not required from vacation rentals, youth
18 camps, dormitories of charitable, educational or philanthropic institutions; or fraternity
19 and sorority houses affiliated with educational institutions, or from private homes used in
20 emergencies for the accommodation of persons attending conventions, fairs or similar
21 public gatherings, nor from temporary eating establishments and temporary lodging
22 places for the same, nor from railroad dining or buffet cars, nor from construction camps,
23 nor from boarding houses and camps conducted in connection with wood cutting and
24 logging operations, nor from any boarding care facilities or children's homes that are
25 licensed under section 7801.'

26 Amend the bill by adding after section 16 the following:

27 'Sec. 17. Appropriations and allocations. The following appropriations and
28 allocations are made.

29 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

30 **Health - Bureau of 0143**

31 Initiative: Allocates funds for payment of fees to the Office of the Attorney General.

32	OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
33	All Other	\$7,200	\$7,200
34			
35	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$7,200</u>	<u>\$7,200</u>
36			

37 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
38 section number to read consecutively.

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SUMMARY

This amendment changes the definition of "lodging place" so that bed and breakfasts and inns are included. It enacts a definition of "vacation rental" and excludes vacation rentals from licensing requirements applicable to lodging places. It also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)



126th MAINE LEGISLATURE

LD 1387

LR 520(02)

An Act To Provide Clarity and Consistency in Routine Public Health Licensing Activities

Fiscal Note for Bill as Amended by Committee Amendment

A(H-371)

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

	FY 2013-14	FY 2014-15	Projections FY 2015-16	Projections FY 2016-17
Appropriations/Allocations				
Other Special Revenue Funds	\$7,200	\$7,200	\$7,200	\$7,200
Revenue				
Other Special Revenue Funds	\$11,700	\$11,700	\$11,700	\$11,700

Fiscal Detail and Notes

Provides an Other Special Revenue Funds allocation to the Maine Center for Disease Control and Prevention in the Department of Health and Human Services for the payment of fees to the Office of the Attorney General. Also assumes additional collections of fines and penalties.