

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2014

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Legislative Document

No. 1592

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H.P. 1163

House of Representatives, December 30, 2013

### **An Act To Improve and Modernize the Authority of Local Health Inspectors**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 23, 2013. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative COOPER of Yarmouth.  
Cosponsored by Senator CRAVEN of Androscoggin and  
Representatives: GATTINE of Westbrook, GIDEON of Freeport, MASTRACCIO of Sanford,  
SANBORN of Gorham, Senators: GRATWICK of Penobscot, WOODBURY of Cumberland.

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

2 **Sec. 1. 22 MRSA §2499-A** is enacted to read:

3 **§2499-A. Local health inspector training for limited inspections**

4 The department shall train local health inspectors for the purpose of performing  
5 limited inspections for health and safety violations. Notwithstanding section 2499,  
6 subsection 2, a local health inspector who successfully completes training under this  
7 section may perform inspections of establishments licensed under this chapter for health  
8 and safety violations that pose an imminent threat to the public health and welfare. If a  
9 local health inspector performs an inspection pursuant to this section and finds a health  
10 and safety violation that poses an imminent threat to the public health and welfare, the  
11 local health inspector shall order the immediate and temporary closing of the  
12 establishment. An order to temporarily close an establishment issued by a local health  
13 inspector pursuant to this section remains in effect until the department issues an order  
14 requiring the establishment to remain closed or allowing the establishment to reopen. An  
15 inspection conducted pursuant to this section and an order issued pursuant to that  
16 inspection do not affect the requirement of a determination of compliance with this  
17 chapter every 2 years as required by section 2497. The department shall adopt rules to  
18 implement this section. Rules adopted pursuant to this section are routine technical rules  
19 as defined in Title 5, chapter 375, subchapter 2-A.

20 **SUMMARY**

21 This bill directs the Department of Health and Human Services to train local health  
22 inspectors to perform limited inspections for health and safety violations of  
23 establishments such as restaurants and lodging places. The bill requires a local health  
24 inspector who performs an inspection and finds a health and safety violation that poses an  
25 imminent threat to the public health and welfare to order the immediate and temporary  
26 closing of the establishment. The bill provides that an order to temporarily close an  
27 establishment issued by a local health inspector remains in effect until the department  
28 issues an order requiring the establishment to remain closed or allowing the establishment  
29 to reopen. The bill provides that an inspection conducted by a local health inspector and  
30 an order issued pursuant to that inspection do not affect the requirement of a  
31 determination of compliance with state licensing requirements every 2 years as required  
32 by current law. The bill requires the department to adopt routine technical rules to  
33 implement the new training provision.