

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1241

H.P. 907

House of Representatives, March 25, 2021

**An Act To Establish More Transparency, Due Process, Education
and Understanding between the Department of Health and Human
Services and Certain Maine Businesses**

Received by the Clerk of the House on March 23, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative FECTEAU of Augusta.
Cosponsored by Representative: BRADSTREET of Vassalboro, Senators: KEIM of Oxford,
TIMBERLAKE of Androscoggin.

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

2 **Sec. 1. 22 MRSA §2496, sub-§3** is enacted to read:

3 **3. Complaint procedures; information disclosures.** The department shall develop
4 a standard procedure for investigating each complaint against an establishment licensed
5 pursuant to section 2492, subsection 1. When the department or a delegated municipality
6 has investigated the complaint and determined the corrective actions required by the
7 licensed establishment for compliance with all licensing requirements, the following must
8 be disclosed to the owner or person in charge of the establishment:

9 A. The nature of the complaint;

10 B. The name and contact information of the complainant;

11 C. The method of submitting the complaint;

12 D. The name and contact information for the designated officer or employee of the
13 department or representative of the delegated municipality responsible for
14 investigating the complaint;

15 E. A copy of the law, rule, executive order or policy that the establishment is violating;

16 F. Any scientific or educational materials previously distributed to establishments
17 relevant to the complaint;

18 G. The list of corrective actions, and related timelines, necessary to establish
19 compliance;

20 H. Written confirmation when corrective actions have been completed;

21 I. The rights and appeals processes available to establishments; and

22 J. Possible accommodations or alternatives available as exceptions to requirements.

23 **Sec. 2. 22 MRSA §2496, sub-§4** is enacted to read:

24 **4. Complaint; compliance determination.** Upon completion of each complaint
25 investigation pursuant to subsection 3, the department or delegated municipality shall issue
26 a finding with respect to compliance with all licensing requirements that determines that
27 the establishment licensed pursuant to section 2492, subsection 1 is:

28 A. Compliant and the complaint was fraudulent or incorrect;

29 B. Compliant due to the completion of corrective actions;

30 C. Compliant due to approval of accommodations or alternatives available as
31 exceptions to requirements; or

32 D. Noncompliant.

33 **Sec. 3. 22 MRSA §2496, sub-§5** is enacted to read:

34 **5. Scientific and educational materials.** Materials that are scientific or educational
35 that are distributed to establishments licensed pursuant to section 2492, subsection 1 but
36 that are not considered requirements for licensing or compliance with law or rules must be
37 clearly identified as not being necessary for compliance with licensing requirements. If a
38 designated officer or employee of the department or representative of the delegated
39 municipality visits an establishment for the purpose of discussing such materials, the owner

1 or person in charge must be notified no less than 24 hours prior to the visit and the visit
2 must take place during the ordinary business hours of the licensed establishment.

3 **SUMMARY**

4 This bill requires the Department of Health and Human Services to establish a standard
5 procedure for investigating complaints against establishments licensed under the Maine
6 Revised Statutes, Title 22, section 2492, subsection 1. The bill provides that certain
7 information must be shared with the owner or person in charge of an establishment that is
8 the subject of such an investigation, including the name of the complainant, the name of
9 the department employee investigating the complaint, the laws, rules, executive orders or
10 policies not being complied with, a corrective action plan, possible accommodations as
11 alternatives to requirements and the appeals procedures. The department is required to
12 issue a finding with respect to compliance. The bill also requires any scientific or
13 educational materials that are unrelated to licensing requirements to be clearly identified
14 this way. If a representative of the department visits an establishment to discuss these
15 materials, advance notice must be provided and the visit must take place in ordinary
16 business hours. Municipalities that are delegated authority of licensing and inspection by
17 the department are subject to the same requirements. Establishments licensed under Title
18 22, section 2492, subsection 1 are eating establishments, lodging places, recreational or
19 sporting camps, campgrounds, youth camps, public pools and public spas.