



125th MAINE LEGISLATURE

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Legislative Document

No. 703

H.P. 533

House of Representatives, February 23, 2011

**An Act To Amend the Laws Governing Licensure Compliance
Methods for Camping Areas, Recreational Camps, Youth Camps
and Eating Establishments**

Received by the Clerk of the House on February 18, 2011. 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, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative STRANG BURGESS of Cumberland.
Cosponsored by Senator McCORMICK of Kennebec, Senator CRAVEN of Androscoggin and Representatives: BEAULIEU of Auburn, CLARK of Millinocket, FOSSEL of Alna, KRUGER of Thomaston, PETERSON of Rumford, STUCKEY of Portland, Senators: RECTOR of Knox, WOODBURY of Cumberland.

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

2 **Sec. 1. 22 MRSA §2494, last ¶**, as amended by PL 2007, c. 539, Pt. F, §1, is
3 further amended to read:

4 All such fees are for the license, ~~2~~ one licensure ~~inspections~~ inspection and one
5 follow-up inspection. When additional inspections are required to determine an
6 applicant's eligibility for licensure, the department is authorized through its rules to
7 charge an additional fee not to exceed \$100 to cover the costs of each additional
8 inspection or visit. Failure to pay such charges within 30 days of the billing date
9 constitutes grounds for revocation of the license, unless an extension for a period not to
10 exceed 60 days is granted in writing by the commissioner.

11 **Sec. 2. 22 MRSA §2497**, as amended by PL 1991, c. 528, Pt. J, §4 and affected by
12 Pt. RRR and amended by c. 591, Pt. J, §4, is further amended to read:

13 **§2497. Right of entry, inspection and determination of compliance**

14 The department and any duly designated officer or employee of the department have
15 the right, without an administrative inspection warrant, to enter upon and into the
16 premises of any establishment licensed pursuant to this chapter at any reasonable time in
17 order to determine the state of compliance with this chapter and any rules in force
18 pursuant to this chapter. ~~The department shall make an inspection of the premises of any~~
19 ~~establishment licensed under this chapter at least once in each year.~~ Such right of entry
20 and inspection extends to any premises ~~which~~ that the department has reason to believe is
21 being operated or maintained without a license but no such entry and inspection of any
22 premises may be made without the permission of the owner or person in charge unless a
23 search warrant is obtained authorizing entry and inspection. The department and any
24 duly designated officer or employee of the department do not have the right to enter, for
25 inspection under this chapter, upon and into the premises of any establishment that is
26 licensed under chapter 551, subchapter ~~1~~ 1.

27 Determination of compliance with this chapter and any rules adopted pursuant to this
28 chapter must be made at least once in each year by inspection or other method as
29 determined by the department.

30 **SUMMARY**

31 This bill changes the number of inspections covered by the license fee for an
32 application for or the renewal of a license to operate an eating establishment, eating and
33 lodging place, lodging place, recreational camp, youth camp or camping area from 2 to
34 one. After the initial inspection and one follow-up inspection, there is a charge for each
35 additional inspection to determine an applicant's eligibility for licensure. In addition, the
36 bill permits the Department of Health and Human Services to determine licensure
37 compliance by inspection or other method as determined by the department.