



126th MAINE LEGISLATURE

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Legislative Document

No. 1592

H.P. 1163

House of Representatives, December 30, 2013

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

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.