



125th MAINE LEGISLATURE

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Legislative Document

No. 869

S.P. 273

In Senate, March 8, 2011

An Act To Clarify the State's Authority under Public Health Laws for Municipal Inspections of Establishments

Reference to the Committee on Health and Human Services suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator McCORMICK of Kennebec.

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

2 **Sec. 1. 22 MRSA §2491, sub-§12**, as enacted by PL 1975, c. 496, §3, is repealed.

3 **Sec. 2. 22 MRSA §2491, sub-§17** is enacted to read:

4 **17. Health inspector.** "Health inspector" means a person whose education and
5 experience in the biological and sanitary sciences qualify the person to engage in the
6 promotion and protection of the public health.

7 **Sec. 3. 22 MRSA §2499**, as amended by PL 2003, c. 673, Pt. X, §§4 to 6 and c.
8 689, Pt. B, §7, is further amended to read:

9 **§2499. Municipal inspections**

10 Notwithstanding any other provisions of this chapter, the department may issue a
11 license to the establishments as defined in section 2491 on the basis of an inspection
12 performed by ~~an~~ a health inspector who works for and is compensated by the
13 municipality in which such establishment is located, but only if the following conditions
14 have been met.

15 **1. Adopted ordinances; code of standards.** The municipality involved has adopted
16 ~~a set of rules and regulations,~~ ordinances or ~~other~~ a code of standards for ~~such the~~
17 establishments which has been approved by the department and which is that are
18 consistent with the ~~regulations~~ rules used by the department for the issuance of such
19 licenses in effect at the time of inspection.

20 **2. Qualified to make inspections.** ~~No~~ A municipal ~~employed sanitarians shall~~
21 health inspector may not make inspections under the provisions of this chapter unless
22 certified as qualified by the Commissioner of Health and Human Services.

23 **3. Inspection to ascertain intent.** The department may from time to time inspect
24 such municipally inspected establishments to ascertain that the intent of these statutes is
25 being followed.

26 **4. Inspection reports.** The ~~municipalities~~ municipality shall furnish ~~the department~~
27 electronic copies of its inspection reports ~~relating to said inspections on a monthly basis~~
28 in a format and on a schedule determined by the department.

29 **5. Charge.** Municipalities may not charge the department for performing such
30 inspections.

31 **6. License fee.** When a license is issued to an ~~eating~~ establishment licensed under
32 section 2492 and located in a municipality to which authority to conduct inspection has
33 been delegated by the department as specified in this section, the requirement for
34 payment of a license fee by the establishment to the department as set forth in section
35 2494 must be waived. ~~However, the~~ The licensee is required to pay the department a sum
36 not to exceed \$60 set by department rules to support the costs of mailing and handling.

