

Janet T. Mills
Governor

Sara Gagné-Holmes
Commissioner



Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
11 State House Station
286 Water Street
Augusta, Maine 04333-0011
Tel; (207) 287-8016; Fax (207) 287-2887
TTY: Dial 711 (Maine Relay)

Testimony of the Maine Center for Disease Control and Prevention
Maine Department of Health and Human Services

Before the Joint Standing Committee on Health and Human Services

In support of LD 767, *An Act to Amend the Laws Governing Licensing of Certain Types of Establishments and Professions by the Department of Health and Human Services*

Sponsor: Senator Ingwersen
Hearing Date: 3/13/25

Senator Ingwersen, Representative Meyer, and members of the Joint Standing Committee on Health and Human Services, my name is Lisa Silva, and I serve as the Program Manager for the Health Inspection Program of the Maine Center for Disease Control (Maine CDC) in the Maine Department of Health and Human Services. I am here today to testify in support of LD 767, *An Act to Amend the Laws Governing Licensing of Certain Types of Establishments and Professions by the Department of Health and Human Services*.

The Department is proposing a number of administrative changes described in detail below. LD 767 clarifies and updates laws governing licensing for eating establishments, lodging places, recreational camps, youth camps, campgrounds, public pool and spas, and micropigmentation and tattoo artists, overseen by Maine CDC Health Inspection Program (HIP).

Sections 1 and 2: Death of a Licensee-Transfer of License

The Department is proposing to add statutory language to explicitly allow the transfer of a license following the death of a licensee, enabling an authorized person to operate for a limited period, a HIP licensed eating establishment, lodging place, recreational camp, youth camp, campground or public pool/spa. This change permits the HIP to issue a conditional license to the representative until the probate process is complete, helping to avoid operational issues like inability to conduct transactions or access bank accounts for that licensed business.

Section 3: Confidentiality of Complainant Information

The HIP receives approximately 500 complaints annually from the public, other Department agencies, municipalities, licensees' employees and others through the HIP's complaint portal. Many complainants report they fear retaliation if their identities are disclosed. To address this concern, the Department is proposing to establish in statute that complainant identities be deemed confidential, unless disclosure is required by a court. LD 767 restricts this to a complaint filed in connection with the Department's public health activities associated with the Department's licensing and regulatory functions authorized by 22 MRS chapter 562 and 32 MRS chapters 18, 63, 63-A and 64.

Sections 4, 5, 7, 10: Add License Issued in Error for Body Artists

On occasion, the Department issues a license in error, meaning, after processing a license, it is found that the applicant did not meet the necessary qualifications or a mistake in the application process is identified. This error would essentially allow the license holder to operate legally when they should not. The Department is proposing language to explicitly authorize the voiding of such licenses and require the return of said license to the HIP. This update aligns with statutory language for other HIP license types, including eating, lodging, campgrounds, youth camps and public pools and spas (22 MRS Ch. 562 §2495). This update will provide consistency within the program and assist the resolution of a license issued in error.

Sections 6, 8: Remove Micropigmentation License Expiration Date and Duplicative Language

The current statute specifies micropigmentation licenses expire on September 30th of every other year. The Department is proposing to remove this fixed expiration date, and to allow licenses to be valid for up to two years from the date of issuance. This change aligns with other HIP licenses (i.e., eating, lodging, campground, youth camp and public pool/spa) which expire one year from issuance without a predetermined expiration date. Additionally, the Department is proposing to remove duplicative language in 32 MRS §4314 regarding licensing fees, as 32 MRS §4314 (1) states the fee for a license includes one licensure inspection and one follow-up inspection.

Sections 9, 10: Remove Body Piercing Duplicative Language

The Department is proposing to remove duplicative language from 32 MRS §4324 that is addressed in 32 MRS §4325, which states the fee for a license includes one licensure inspection. This amendment will add one follow-up inspection to the current language, consistent with other HIP license types.

In summary, the Maine CDC asks for the committee's support for this bill. Enacting LD 767 will make several important changes and clarifications to Maine laws, assisting the Department in applying laws fairly and consistently for its licensees.

Thank you for your time and attention. I would be happy to answer any questions you may have and to make myself available for questions at the work session.