

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND ELEVEN

—  
S.P. 273 - L.D. 869

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

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

**Sec. 1. 22 MRSA §2499, first ¶**, as enacted by PL 1975, c. 496, §3, is amended to read:

Notwithstanding any other provisions of this chapter, ~~the~~ in order to ensure statewide uniformity in health standards, health inspector certification and the maintenance of inspection report records, a municipality must have been delegated authority by the department to conduct inspections and demonstrated adherence to requirements under this section prior to performing any municipal inspections under such authority. A municipality that has not been delegated authority is prohibited from licensing or inspecting establishments. The department may issue a license to ~~establishments~~ an establishment as defined in section 2491 on the basis of an inspection performed by ~~an~~ a health inspector who works for and is compensated by the municipality in which such an establishment is located, but only if the following conditions have been met.

**Sec. 2. 22 MRSA §2499, sub-§1**, as enacted by PL 1975, c. 496, §3, is amended to read:

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

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In House of Representatives, ..... 2011

Read twice and passed to be enacted.

..... Speaker

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In Senate, ..... 2011

Read twice and passed to be enacted.

..... President

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Approved ..... 2011

..... Governor