

## §2491. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings. [PL 1975, c. 496, §3 (NEW).]

**1. Campground.** "Campground" means, in addition to the generally accepted definitions, camping areas, recreational vehicle parks, seashore resorts, lakeshore places, picnic and lunch grounds or other premises where tents, recreational vehicles, rental cabins and cottages are permitted on 5 or more sites for compensation or indirect compensation. "Campground" includes, but is not limited to, sites intended for recreational purposes rather than permanent residency. "Campground" does not include parking lots or areas where camping is not authorized.

[PL 2021, c. 125, §3 (AMD).]

**2. Catering establishments.** "Catering establishments" means any kitchen, commissary or similar place in which food or drink is prepared for sale or service elsewhere or for service on the premises during special catered events.

[PL 1975, c. 496, §3 (NEW).]

**2-A. Calories per serving.** "Calories per serving" means the caloric information for a food or beverage item being offered for consumption by one person, as usually prepared and as offered for sale on the menu, menu board or food display tag.

[PL 2009, c. 395, §1 (NEW); PL 2009, c. 395, §8 (AFF).]

**2-B. Chain restaurant.** "Chain restaurant" means an eating establishment that does business under the same trade name in 20 or more locations, at least one of which is located in the State, that offers predominantly the same type of meals, food, beverages or menus, regardless of the type of ownership of an individual location. "Chain restaurant" does not include a grocery store. "Chain restaurant" does not include a hotel or motel that provides a separately owned eating establishment but does include the separately owned eating establishment if the eating establishment meets the criteria of this subsection. "Chain restaurant" does not include a movie theater.

[PL 2009, c. 395, §2 (NEW); PL 2009, c. 395, §8 (AFF).]

**3. Commissioner.** "Commissioner" means the Commissioner of Health and Human Services.

[PL 1975, c. 293, §4 (AMD); PL 2003, c. 689, Pt. B, §7 (REV).]

**4. Cottage.** "Cottage" means a single structure where sleeping accommodations are furnished to the public as a business for a day, week or month, but not for longer than an entire season, for temporary occupancy for recreational purposes only and not for permanent residency.

[PL 2011, c. 193, Pt. A, §2 (AMD).]

**5. Department.** "Department" means the Department of Health and Human Services.

[PL 1975, c. 293, §4 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

**6. Eating and lodging place.**

[PL 2017, c. 322, §2 (RP).]

**7. Eating establishment.** "Eating establishment" means any place where food or drink is prepared and served or served to the public for consumption on the premises or prepared and served or served ready to eat to the public for consumption off the premises. "Eating establishment" includes places in the entertainment, hospitality, recreation, restaurant and tourism industries; catering establishments; correctional facilities; hospital cafeterias; mobile eating places; public and private schools; retail frozen dairy product establishments; and workplace eating establishments and places where food is prepared for vending machines dispensing food other than in original sealed packages. "Eating establishment" does not include:

A. A place preparing and serving food that is licensed pursuant to state law by a state agency other than the department as long the licensing of the place includes regular food safety inspections; [PL 2017, c. 322, §3 (NEW).]

B. A place serving food only to residents, such as a boarding home, a retirement home or an independent living place; and [PL 2017, c. 322, §3 (NEW).]

C. A farm stand that offers only whole, uncut fresh fruits and vegetables. [PL 2017, c. 322, §3 (NEW).]

[PL 2017, c. 322, §3 (RPR).]

**7-A. Food display tag.** "Food display tag" means a written or printed description of a food or beverage item, such as a label or placard, placed in the vicinity of the food or beverage item identifying the type or price of the food or beverage.

[PL 2009, c. 395, §3 (NEW); PL 2009, c. 395, §8 (AFF).]

**7-B. Grocery store.** "Grocery store" means a store primarily engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, fresh meats, fish and poultry. "Grocery store" includes a convenience store, but does not include a separately owned eating establishment located within a grocery store.

[PL 2009, c. 395, §4 (NEW); PL 2009, c. 395, §8 (AFF).]

**7-C. Menu.** "Menu" means a written or printed list describing food or beverage items offered for sale at an eating establishment that may be distributed on or off the premises, but does not include a menu board.

[PL 2009, c. 395, §5 (NEW); PL 2009, c. 395, §8 (AFF).]

**7-D. Menu board.** "Menu board" means a list of food or beverage items offered for sale at an eating establishment that is posted in a public area for viewing by multiple customers, including a backlit marquee sign, chalkboard or drive-through menu sign.

[PL 2009, c. 395, §6 (NEW); PL 2009, c. 395, §8 (AFF).]

**7-E. Health inspector.** "Health inspector" means a person whose education and experience in the biological and sanitary sciences qualify that person to engage in the promotion and protection of the public health and who applies technical knowledge to solve problems of a sanitary nature and develops methods and carries out procedures for the control of those factors of the environment that affect the health, safety and well-being of others.

[PL 2011, c. 193, Pt. A, §5 (NEW).]

**7-F. Lodging place.** "Lodging place" means a fixed structure, or any part of a structure, used, maintained or advertised as a place where sleeping accommodations are furnished that offers stays that are temporary in nature and consist of fewer than 183 days in the aggregate per year. "Lodging place" includes accommodations in the entertainment, hospitality, recreation and tourism industries, including, but not limited to, hotels, motels, bed and breakfasts, inns and properties under common management at the same location where 4 or more rooms, cottages or condominium units are available. "Lodging place" does not include vacation rentals, youth camps, dormitories of charitable, educational or philanthropic institutions, fraternity or sorority houses affiliated with educational institutions, permanent residences, rental properties with tenant and landlord relationships as described under Title 14, chapters 709 to 710-D, nursing facilities as defined in section 1812-A, assisted living facilities as defined in section 7852, subsection 4-A or residential care facilities as defined in section 7852, subsection 14.

[PL 2023, c. 176, §3 (AMD).]

**7-G. Indirect compensation.** "Indirect compensation" means nonmonetary consideration provided to a consumer or patron.

[PL 2021, c. 125, §5 (NEW).]

**8. Mobile eating place.** "Mobile eating place" means a mobile vehicle designed and constructed to transport, prepare, sell or serve food at a number of sites and capable of being moved from its serving site at any time.

[PL 1975, c. 496, §3 (NEW).]

**9. Mobile home.**

[PL 1983, c. 553, §18 (RP).]

**10. Mobile home park.**

[PL 1983, c. 553, §18 (RP).]

**10-A. Public pool.** "Public pool" means any constructed or prefabricated pool other than a residential pool or medical facility pool that is intended to be used for swimming, recreational bathing or wading and is operated by an owner, lessee, tenant or concessionaire or by a person licensed by the department whether or not a fee is charged for use. "Public pool" includes a pool on the premises of a child care facility that is licensed or required to be licensed under section 8301-A.

[PL 2011, c. 193, Pt. A, §7 (NEW).]

**10-B. Public spa.** "Public spa" means any constructed spa other than a residential spa or medical facility spa.

[PL 2011, c. 193, Pt. A, §8 (NEW).]

**10-C. Permanent residence.** "Permanent residence" means the primary location where a person lives 183 days or more in a year in the aggregate, as determined in accordance with department rule.

[PL 2021, c. 125, §6 (NEW).]

**11. Recreational camp or sporting camp.** "Recreational camp" or "sporting camp" means a building or group of buildings devoted primarily to the offering of eating and lodging facilities to guests only, with 4 or more rooms or cottages for rent, for a fee to persons seeking recreation, including snowmobiling, hunting, fishing and similar activities, not including programs overseen by employees or volunteers of municipalities and educational institutions when the activities generally take place at municipal or institutional properties and buildings.

[PL 2021, c. 125, §7 (AMD).]

**12. Sanitarian.**

[PL 2011, c. 193, Pt. A, §10 (RP).]

**13. Vending machine establishment.**

[PL 2011, c. 193, Pt. A, §11 (RP).]

**14. Vending machine.** "Vending machine" means any self-service device offered for public use that, upon insertion of money or by other similar means, dispenses unit servings of food other than in original sealed packages without the necessity of replenishing the device between vending operations.

[PL 2011, c. 193, Pt. A, §12 (AMD).]

**15. Retail frozen dairy product establishment.** "Retail frozen dairy product establishment" means any place, premise or establishment and any part thereof where frozen dairy products, such as ice cream, frozen custard, ice milk, sherbert, ices and related food products are prepared for consumption on or off premises.

[PL 1979, c. 672, Pt. A, §60 (NEW).]

**16. Youth camp.** "Youth camp" means a combination of program and facilities established for the primary purpose of providing an outdoor group living experience for children with social, recreational, spiritual and educational objectives and operated and used for 5 or more consecutive days during one or more seasons of the year. "Youth camp" includes day camps, residential camps and trip and travel camps. "Youth camp" does not include programs overseen by employees or volunteers of

municipalities and educational institutions when the activities generally take place at municipal or institutional properties and buildings.

[PL 2021, c. 125, §8 (AMD).]

**17. Vacation rental.** "Vacation rental" means a residential property that is rented for vacation, leisure or recreation purposes for a day, a week or a month, and typically under 30 days but not for more than an entire summer or winter season, to a person who has a place of permanent residence to which the person intends to return.

[PL 2013, c. 264, §5 (NEW).]

#### SECTION HISTORY

PL 1975, c. 293, §4 (AMD). PL 1975, c. 496, §3 (NEW). PL 1979, c. 30, §1 (AMD). PL 1979, c. 672, §§A59,60 (AMD). PL 1983, c. 553, §18 (AMD). PL 2003, c. 689, §§B6,7 (REV). PL 2009, c. 211, Pt. A, §§1-3 (AMD). PL 2009, c. 395, §§1-6 (AMD). PL 2009, c. 395, §8 (AFF). PL 2011, c. 193, Pt. A, §§1-13 (AMD). PL 2013, c. 264, §§3-5 (AMD). PL 2017, c. 322, §§2, 3 (AMD). PL 2021, c. 125, §§3-8 (AMD). PL 2023, c. 176, §3 (AMD).

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