Department of Health and Human Services
Maine People Living Safe, Healthy and Productive Lives
Paul R. LePage, Governor
Mary C. Mayhew, Commissioner

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January 29, 2014

Senator Margaret Craven, Chair
Representative Richard Farnsworth, Chair
Members of the Joint Standing Committee on Health and Human Services
#100 State House Station
Augusta, ME 04333-0100

RE: Report Pursuant to LD 625: Resolve, An Act To Exempt Certain Businesses from Being Considered Campgrounds

Dear Senator Craven, Representative Farnsworth, and Members of the Joint Standing Committee on Health and Human Services:

New legislation enacted last spring by the first regular session of the 126th legislature directed the Department of Health and Human Services to review the regulations of camping on premises on which the owner is hosting an event, such camping being temporary in nature and open only to participants and spectators of the event. The attached report is a summary of the meetings of this review in conjunction with stakeholders, held by the Department to examine this issue.

The Program within the Department responsible for the licensing and inspection of campgrounds is the Health Inspection Program within the Maine CDC. Should you have any questions about its content, please feel free to contact Lisa Roy, Health Inspection Program Manager, at 287-5691.

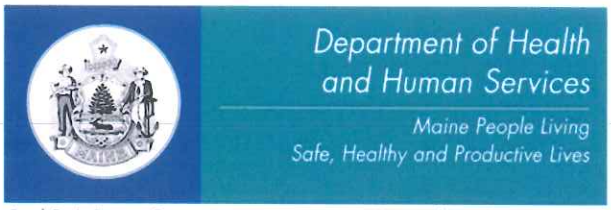
Sincerely,

Mary C. Mayhew
Commissioner

MCM/klv

Enclosure

cc: William Boeschenstein, Chief Operating Officer, DHHS
Nick Adolphsen, Director of Legislative Affairs, DHHS
Dr. Sheila Pinette, Director, Maine Center for Disease Control and Prevention, DHHS



Report to Joint Standing Committee on Health and Human Services

Pursuant to:

CHAPTER 205
L.D. 625

Resolve, To Exempt Certain Businesses from Being Considered Campgrounds

Submitted by:

Department of Health and Human Services

January, 2014

The first regular session of the 126th Maine Legislature passed the above resolve that directed the Department of Health and Human Services (DHHS) to review the regulations of camping on premises on which the owner is hosting an event, such camping being temporary in nature and open only to participants and spectators of the event. The Health Inspection Program at the Maine CDC oversees licensing and inspection of campgrounds in Maine. The Department met with Stakeholders from the Maine Campground Owners Association and representatives from the race track industry to review this issue. The workgroups meetings and findings are listed in the report below.

Background

The race track industry typically holds racing events throughout the spring/summer/fall season and allows the participants and spectators to camp overnight. This is due to the nature of the racing industry as many racers travel from other states and after the races they work on their racing equipment. Campgrounds have indicated that the noise generated from working on these vehicles late at night may not be a good fit for a regular campground.

The current campground rules provide for a temporary campground license, which allows for operation of no more than 12 days in a calendar year. Race tracks typically operate on the weekends and hold racing events that are held one to 4 nights for each event. Thus these venues do not fit into the temporary campground category as they operate more than 12 days in a calendar year.

Stakeholder Meetings

The Health Inspection Program conducted two Department held meetings to obtain feedback from the Maine Campground Owners Association and the race track industry representatives. The first meeting was held on October 23, 2013. In attendance were the following:

Butch Urquhart	WinterPort Dragway
Andrew Cusack	Beech Ridge Motor Speedway
Bill Stuart	MX 207 Dragway
Guy Hunnywell	Hunnywell Valley
Rick Abare	Maine Campground Owners Association, Executive Director
James Cameron	Papoose Pond Campground
Mary Hastings	Flat Rock Bridge Family Camping
Tera Pare	Drinking Water Program Enforcement Coordinator, DHHS
James Jacobsen	Subsurface Wastewater Unit Project Manager, DHHS
David Braley	Subsurface Wastewater Unit Senior Geologist, DHHS
Nancy Beardsley	Division of Environmental Health Director, DHHS
Rebecca Walsh	Health Inspection Program Supervisor, DHHS
Maurice Anderson	Health Inspection Program Inspector, DHHS
Lisa Roy	Health Inspection Program Manager, DHHS

The second meeting was held on December 4, 2013. In attendance were the following:

Vanessa Jordan	Wiscasset Speedway
Mike and Serae Hemond	Hemond's MX Park
George Knight	Winterport Dragway
James Cameron	Papoose Pond Campground
Mary Hastings	Flat Rock Bridge Family Camping
Diane Johanson	On behalf of Senator Mason (Sen. Rep. Office)
Tera Pare	Drinking Water Program Enforcement Coordinator, DHHS
James Jacobsen	Subsurface Wastewater Unit Project Manager, DHHS
David Braley	Subsurface Wastewater Unit Senior Geologist, DHHS
Rebecca Walsh	Health Inspection Program Supervisor, DHHS
Maurice Anderson	Health Inspection Program Inspector, DHHS
Lisa Roy	Health Inspection Program Manager, DHHS

Existing Rules

The existing rules relating to campgrounds are located in the Code of Maine Regulations (CMR) 10-144 Department of Health and Human Services – General, Chapter 205. The meetings reviewed the existing campground categories which have not been reviewed since 2000 and came up with a proposal. The Department informed the stakeholders that event camping is not the same as going to a campground to camp. If there is no water, no sewer, no roads, no camp sites, no fire rings, no lake, no pool, etc. it's not a campground and there is nothing for the State to inspect. The details will always be debatable and that is why we have been meeting to gather input from our stakeholders on setting a threshold on when it is considered camping, when it is not considered camping and to establish a middle ground.

Proposal

Unfortunately, the stakeholder group was not able to come to an agreed upon proposal. The racetrack owners support the proposal and the campground owners oppose it believing that 50 days is too long and is too great a portion of their camping season. Some comments from members of the campground association include:

- Unfair competition;
- If the racetrack owners need camping in order to grow their business, then it is not an incidental part of their business;
- If camping is allowed, then you are a campground;
- Permit needs to limit the number of campers allowed as campground owners are limited to a certain number of sites;
- If campground owners have restrictions, then so should the race track owners;
- Wal-Marts allow RVs and do not have to obtain a permit. Now fields are going to be allowed, which opens the door for many other entities and will have an adverse impact on many campgrounds;

The proposed changes are:

New Category
The proposal would replace the Temporary Campground category with an **Event Camping** category.

Event Camping Definition: Event camping means overnight use of areas associated with events lasting 4 or fewer consecutive nights for 50 or fewer nights in a calendar year. Event camping may include, but is not limited to; race tracks, non-agricultural fairs, festivals, and shows where camping is incidental to the event that is occurring and meets the event camping criteria.

Current (Temporary) Event Camping Fee: $200

Criteria to Meet the Event Camping Definition: An event would be considered "event camping" if:

1. Potable water is offered. (Note: if water is available, the licensee must report water test results annually to DHHS); **or**

2. [1]Sanitary facilities are offered. (Note: The licensee must provide at least portable toilets); **or**

3. [2]Designated camping area is provided; **and**

4. [3]Total number of event days do not exceed 50 nights in any calendar year (50 came from a poll of the race track owners as the most nights they are operating in a season); **or**

5. [4]Overnight stays do not exceed 4 consecutive nights.

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[1] Anything other than a Self-contained RV (as defined in the Campground Rules) will require at least one portable toilet for every 150 campers.

[2] **Camping Area Definition(Propose to add this new definition to rule):** an area where camping is designated, and may include, but is not limited to fire rings, picnic tables, trash receptacles, water spigots, electrical hookups, signage, sites or other improvements.

[3] If the camping exceeds 50 nights in a calendar year or exceeds 4 consecutive nights, then a Campground license is required.

[4] If the camping exceeds 50 nights in a calendar year or exceeds 4 consecutive nights, then a Campground license is required.

Department's Recommendation

The Department believes that while all parties are not agreement, the proposed changes are worthy of support and we recommend that the draft proposal be implemented for licensing purposes this 2014 season. The proposed changes would be incorporated into the campground rules which are being updated and revised.