

**State of Maine**  
**Department of Health & Human Services (DHHS)**  
**Maine Center for Disease Control and Prevention**  
**Health Inspection Program**  
**LICENSING INFORMATIONAL GUIDE FOR EATING ESTABLISHMENTS**

**WHAT IS DHHS' STATUTORY AUTHORITY FOR LICENSING EATING ESTABLISHMENTS?**

The authority of the Maine Department of Health and Human Services, (DHHS), Maine Center for Disease Control and Prevention, Health Inspection Program, to license eating establishments is derived from Title 22 MRSA, Ch.562. Chapter 562 requires all eating establishments to obtain a DHHS license.

**WHAT IS AN EATING ESTABLISHMENT?**

**An eating establishment is defined in Maine law, 22 MRSA, § 2491(7) to mean:**

"Any place where food and drink is prepared and served, or served to the public for consumption on the premises, or catering establishments, or establishments dispensing food from vending machines, or establishments preparing food for vending machines dispensing foods other than in original sealed packages, such as hotels, motels, boarding homes, restaurants, mobile eating places, coffee shops, cafeterias, short order cafes, luncheonettes, grills tea rooms, sandwich shops, soda fountains, bars, cocktail lounges, nightclubs, roadside stands, industrial feeding establishments, private or public institutions routinely serving foods, retail frozen dairy product establishments, airports, parks, theaters, vacation camps or any other catering or non-alcoholic drinking establishments or operations where food is prepared and served or served for consumption on the premises, or catering establishments where food is prepared, or where foods are prepared for vending machines dispensing food other than in original sealed packages"

Due to recent changes in business plans, where grocery stores (licensed by the Department of Agriculture, Food and Rural Resources) have begun to serve food, and some food prepared to serve is also taken home to eat, there is some overlap in the jurisdiction of the two Departments. Uncertainty can best be resolved by speaking directly with Departmental representatives.

**HOW DO I APPLY FOR AN EATING ESTABLISHMENT LICENSE?**

Enclosed please find the following DHHS License Application Materials:

1. A DHHS license application packet
2. Contact # for further information
3. This licensing informational guide defining an eating establishment, and licensing authority.

**HOW WILL A DHHS LICENSE HELP MY FOOD SERVICE BUSINESS?**

A DHHS license is initially issued when an eating establishment has been found to be in substantial compliance with the most practical, manageable and scientific-based national food protection guidance, based on a joint business plan review and risk based health inspection of your facilities and equipment. This means that your establishment has successfully been assessed against certain known risk factors that have been linked to foodborne illness outbreaks, and provides high level assurance of food safety in your food service operations. The interactive, educational nature of this inspection process will additionally offer your employees the opportunity to learn behaviors and practices that will improve your business in a cost effective manner. The public health of your customers will be promoted and protected, while your establishment is protected from possible business consequences associated with substantiated complaints of foodborne illness.

**WHAT SHOULD I DO IF I HAVE QUESTIONS ABOUT THIS INFORMATION?**

For more information, should you have additional questions or if you need technical assistance with regards to DHHS licensing requirements, feel free to contact the Health Inspection Program's Central Office at Augusta, at (207) 287-5671.