

SECTION 2 - CERTIFICATION OF PERSONNEL

A. CERTIFIED FOOD PROTECTION MANAGERS

1. The Department of Health and Human Services recognizes that the storage, preparation and service of food for the public require a certain minimal knowledge of sanitation principles and practices. A Certified Food Protection Manager should have or should acquire the training necessary to follow proper sanitary practices for the health risk associated with the specific eating establishment. Knowledge of these principles and practices can be demonstrated by becoming certified.
2. Every eating establishment must employ on its staff a certified food protection manager. The responsibilities of the certified food protection manager include training and implementing a program of food protection and education for each person in charge, so that he or she will be able to successfully complete the demonstration required by Section 2-102.11 and will be able to carry out their responsibilities under Section 2-103.11 of the Food Code. If the person in charge is also a certified food protection manager, he or she must comply with Section 2-102.11(b) of the Food Code. In the event that during an inspection by a Regulatory Authority, the person in charge is not able to make the demonstration required by Section 2-102.11, or there are multiple critical violations present during such inspection, the Department or its designee may thereafter require every person in charge for such eating establishment to be a certified food protection manager.
3. In the State of Maine, the following will be accepted as meeting the requirements for certification:
 - a) Having written proof of completion of specialized training in the preparation and serving of safe food, such as ServSafe[®] Food Protection Manager Certification from the National Restaurant Association Solutions, LLC, the National Registry of Food Safety Professionals, and Prometric (formerly Experior Assessments), or equivalent; and
 - b) Receiving a passing grade on a competency test, approved by the National Conference for Food Protection (CFP). Such certified food protection manager certification shall be renewed through re-training and re-testing every 5 years, or as required by standards adopted by the Department.
 - c) When considering the certification of certified food protection managers, the following establishments are exempt from the certified food protection manager requirement:
 - Bed and breakfast establishments with 5 rooms or less;
 - Temporary eating establishments that operate fewer than 14 days;
 - Establishments that serve or sell non-potentially hazardous pre-packaged foods (non-time/temperature control for safety (TCS) foods);
 - Establishments that prepare only non-potentially hazardous foods (non-TCS foods); and
 - Establishments that heat only commercially processed, potentially hazardous foods (TCS foods) for hot holding. No cooling of potentially hazardous foods (TCS foods).

- d) A certified food protection manager must be hired within 60 days of a new eating establishment opening or when a certified food protection manager leaves employment.
 - e) Establishments requiring two repeat inspections, due to multiple critical violations, or repeated failure to successfully complete demonstration of knowledge required by 2-102.11 of the Maine Food Code, 10-144 CMR 200, or being involved in a food-borne illness outbreak, must employ a certified food protection manager, if not previously required to do so. If the above issues exist, the Establishment may be required to employ additional certified food protection managers, at the discretion of the Department.
4. Nothing in these rules precludes the Department from requiring an eating establishment, as part of a compliance action, to hire, on a less than full-time basis, an outside, or third-party, consultant who would provide recommendations as a food safety consultant.
 5. Eating establishments must post in a conspicuous area the certification of the certified food protection manager(s), and the certificate must be made available to the Department, upon request.