

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)  
2 FIRST REGULAR SESSION  
3

4 ONE HUNDRED AND THIRTEENTH LEGISLATURE  
5

6 Legislative Document

No. 19  
7

8 S.P. 35

In Senate, January 16, 1987  
9

10 Reference to the Committee on Human Resources suggested  
and ordered printed.

11 JOY J. O'BRIEN, Secretary of the Senate  
Presented by Senator BUSTIN of Kennebec.

12  
13 STATE OF MAINE  
14

15 IN THE YEAR OF OUR LORD  
16 NINETEEN HUNDRED AND EIGHTY-SEVEN  
17

18 AN ACT to Exempt Certain Eating Places from  
19 the Requirement to Provide a Public  
20 Rest Room.  
21

22 Emergency preamble. Whereas, Acts of the Legis-  
23 lature do not become effective until 90 days after  
24 adjournment unless enacted as emergencies; and

25 Whereas, recently introduced legislation requires  
26 that all restaurants have public rest rooms beginning  
27 January 1, 1987; and

28 Whereas, the need for such facilities in small  
29 restaurants is not great; and

30 Whereas, such facilities would represent a con-  
31 siderable expense in construction costs, maintenance,  
32 and space for smaller restaurants; and

1           Whereas, the requirement for such facilities is a  
2 particular hardship for already established smaller  
3 restaurants; and

4           Whereas, in the judgment of the Legislature,  
5 these facts create an emergency within the meaning of  
6 the Constitution of Maine and require the following  
7 legislation as immediately necessary for the preser-  
8 vation of the public peace, health and safety; now,  
9 therefore,

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

12           22 MRSA §1682, as enacted by PL 1985, c. 171, §§1  
13 and 2, is amended to read:

14          §1682. Rest room facilities required

15           An Unless it is licensed for fewer than 27 seats,  
16 an eating establishment shall provide at least one  
17 toilet facility for the use of its customers. The  
18 toilets provided shall be clearly marked, maintained  
19 in a sanitary condition and in good repair. There  
20 shall be no charge for their use. Lavatory facilities  
21 shall be located within or immediately adjacent to  
22 all toilet rooms or vestibules.

23           Emergency clause. In view of the emergency cited  
24 in the preamble, this Act shall take effect when ap-  
25 proved.

1

STATEMENT OF FACT

2           This bill removes the requirement for restaurants  
3 licensed for less than 27 seats to have rest rooms  
4 for their customers. A bill requiring such facilities  
5 for all restaurants took effect January 1, 1987.  
6 One to 26 seats represents the categorization of the  
7 smallest restaurants as used by the Division of  
8 Health Engineering in issuing licenses. The number  
9 of seats for which the restaurant is licensed shall  
10 be the determining factor, not the actual number of  
11 seats that the restaurant has.

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