

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
(After Deadline)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 331

S.P. 126 In Senate, February 11, 1987  
Approved for Introduction by a Majority of the Legislative  
Council pursuant to Joint Rule 27.  
Reference to the Committee on Business Legislation  
suggested and ordered printed.  
JOY J. O'BRIEN, Secretary of the Senate  
Presented by Senator BUSTIN of Kennebec.  
Cosponsored by Representative ARMSTRONG of Wilton, Senator  
CLARK of Cumberland.

STATE OF MAINE

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

1 AN ACT to Alter Implementation of Requirement  
2 to Provide Rest Rooms in Restaurants.  
3

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

7 Whereas, recently introduced legislation requires  
8 that all restaurants have public rest rooms beginning  
9 January 1, 1987; and

10 Whereas, such facilities would represent a con-  
11 siderable expense in construction costs, maintenance  
12 and space for restaurants; and

1       Whereas, the requirement for such facilities is a  
2 particular hardship for already established restau-  
3 rants; and

4       Whereas, many restaurants have not had sufficient  
5 time to comply with the law; and

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

12 Be it enacted by the People of the State of Maine as  
13 follows:

14       Sec. 1. 22 MRSA c. 270-A, as enacted by PL 1985,  
15 c. 171, is repealed.

16       Sec. 2. 22 MRSA c. 270-B is enacted to read:

17                               CHAPTER 270-B

18                       PUBLIC REST ROOM FACILITIES IN EATING PLACES

19       §1685. Definitions

20       As used in this chapter, unless the context oth-  
21 erwise indicates, the following terms have the fol-  
22 lowing meanings.

23       1. Eating establishment. "Eating establishment"  
24 means an eating establishment licensed by the Depart-  
25 ment of Human Services under chapter 562 which pre-  
26  pares and serves food to the public for consumption  
27 inside the premises. "Eating establishment" does not  
28 include catering establishments, establishments dis-  
29  pensing food solely from vending machines, pushcarts  
30 and mobile eating places, roadside stands, retail  
31 frozen dairy product establishments or any other such  
32 places where customers do not consume food inside the  
33 building where the food is prepared and served.

34       §1686. Rest room facilities required

1           An eating establishment shall provide at least  
2           one toilet facility for the use of its customers. The  
3           toilets provided shall be clearly marked, maintained  
4           in a sanitary condition and in good repair. There  
5           shall be no charge for their use. Lavatory facilities  
6           shall be located within or immediately adjacent to  
7           all toilet rooms or vestibules.

8           §1687. Rules

9           The Department of Human Services may adopt, in  
10           accordance with the Maine Administrative Procedure  
11           Act, Title 5, chapter 375, rules to administer this  
12           chapter and thereby protect the public health.

13           §1688. Enforcement

14           This chapter shall be enforced by the Division of  
15           Health Engineering. Anyone violating this chapter or  
16           rules under this chapter commits a civil violation  
17           for which a forfeiture of not more than \$200 may be  
18           adjudged. Each day of violation shall be considered a  
19           separate offense.

20           Emergency clause. In view of the emergency cited  
21           in the preamble, this Act shall take effect when ap-  
22           proved, except that section 2 of the Act shall take  
23           effect July 1, 1987.

24

STATEMENT OF FACT

25           The purpose of this bill is to change the effec-  
26           tive date of the Maine Revised Statutes, Title 22,  
27           chapter 270-A.

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