

# MAINE STATE LEGISLATURE

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(Emergency)  
(New Draft of S.P. 35, L.D. 19)  
FIRST REGULAR SESSION

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

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Legislative Document

No. 1106

S.P. 371

In Senate, April 6, 1987

Reported by Senator Whitmore of Androscoggin for the  
Committee on Business Legislation and printed under Joint Rule  
2. Original Bill sponsored by Senator Bustin of Kennebec.

JOY J. O'BRIEN, Secretary of the Senate

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STATE OF MAINE

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

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1                   **AN ACT to Exempt Certain Eating**  
2                   **Establishments from the Requirements**  
3                   **to Provide a Public Toilet Facility.**  
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5                   **Emergency preamble.** Whereas, Acts of the Legis-  
6                   lature do not become effective until 90 days after  
7                   adjournment unless enacted as emergencies; and

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

11                  Whereas, the need for such facilities in small  
12                  restaurants is not great; and

1           Whereas, such facilities would represent a con-  
2 siderable expense in construction costs, maintenance  
3 and space for smaller restaurants;

4           Whereas, the requirement for such facilities is a  
5 particular hardship for already established smaller  
6 restaurants; and

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

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

15           22 MRS A §1682, as enacted by PL 1985, c. 171, §§1  
16 and 2, is repealed and the following enacted in its  
17 place:

18 §1682. Toilet facilities required

19           Unless it is licensed for fewer than 13 seats and  
20 is not licensed for on-premise consumption of alco-  
21 holic beverages, an eating establishment shall pro-  
22 vide at least one toilet facility for the use of its  
23 customers. Toilet facilities which require access  
24 through the food preparation area or the use of which  
25 would in any way cause the establishment to be in vi-  
26 olation of any state law or rule shall not be consid-  
27 ered as fulfilling this requirement. The location of  
28 the toilets shall be clearly marked, maintained in a  
29 sanitary condition, in good repair and their location  
30 identifiable from the eating area. There shall be no  
31 charge for their use. Lavatory facilities shall be  
32 located within or immediately adjacent to all toilet  
33 rooms or vestibules.

34           Upon appeal, the Division of Health Engineering  
35 may exempt from the requirements of this chapter eat-  
36 ing establishments of 13 to 25 seats which are not  
37 licensed for on-premise consumption of alcoholic bev-  
38 erages and which were in existence prior to September  
39 30, 1985, and which:



1           This new draft exempts restaurants that do not  
2           serve alcoholic beverages and have less than 13  
3           seats. The provision regarding alcoholic beverages  
4           is consistent with current rules which require all  
5           such establishments to have 2 restrooms. It also al-  
6           lows the department on appeal to exempt restaurants  
7           of 13 to 25 seats which do not serve alcoholic bever-  
8           ages and which were in existence prior to September  
9           30, 1985, the year that the original restroom legis-  
10          lation was passed, if they meet any one of 4 speci-  
11          fied criteria.

12           This new draft also:

13           1. Forbids access to public toilet facilities  
14           through the food preparation area;

15           2. Requires that the location of the restroom be  
16           identifiable from the dining area; and

17           3. Requires that restaurants without restrooms  
18           post a sign to that effect at their entrances.

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