

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1398

S.P. 486

March 14, 2007

**An Act To Enable Restaurants To Allow Dogs In Outdoor Portions
of Those Establishments**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator PERRY of Penobscot.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17 MRSA §3966, first ¶**, as amended by PL 2005, c. 318, §1, is further
3 amended to read:

4 It is unlawful for any person, other than the owner or manager, to bring an animal
5 into a store where food is sold for human consumption or into a restaurant where food is
6 prepared and served on the premises. This section does not apply to a person requiring the
7 services of a service animal or a person with a dog allowed under Title 22, section 2502.

8 **Sec. 2. 22 MRSA §2502** is enacted to read:

9 **§2502. Dogs in designated outdoor areas**

10 **1. Municipal ordinance.** A municipality may enact an ordinance to issue a permit
11 to allow a person to take a dog into a designated outdoor area of an eating establishment
12 licensed under this chapter. A municipal ordinance under this subsection must provide
13 for an application procedure that requires information including:

14 A. The name, location and mailing address of the eating establishment;

15 B. The name, mailing address and telephone contact information of an individual in
16 a position of responsibility at the eating establishment;

17 C. A description of the outdoor area to be designated as allowing a dog under this
18 section, referred to in this section as "the designated area." The description must
19 include a diagram of the proposed designated area, including:

20 (1) The dimensions and boundaries of the designated area;

21 (2) A depiction of the number and placement of any table, chair or restaurant
22 equipment in the designated area;

23 (3) Any entryway to or exit from the designated area;

24 (4) Any other outdoor area of the eating establishment that does not allow a dog;

25 (5) Any fence or other barrier within the designated area;

26 (6) Any surrounding property line or public right-of-way including any sidewalk
27 or pathway; and

28 (7) Any other information the municipality determines necessary;

29 D. The days of the week and hours of operation in which a person may bring a dog
30 into the designated area; and

31 E. Any other information the municipality determines necessary.

32 A permit issued under this subsection must contain the license number issued by the
33 department for the eating establishment.

34 **2. Requirements.** For an eating establishment with a designated area that allows a
35 dog, a municipal ordinance under subsection 1 must contain the following requirements
36 and limitations:

1 A. An eating establishment employee may not touch, pet or otherwise handle a dog
2 while serving food or a beverage or handling tableware or before entering another
3 part of the eating establishment. An employee must wash the employee's hands
4 promptly after touching, petting or otherwise handling a dog;

5 B. The eating establishment must advise a patron in a designated area that the patron
6 should wash the patron's hands before eating and provide waterless hand sanitizer at
7 every table in the designated area;

8 C. The eating establishment must instruct every employee and patron to not allow a
9 dog to come into contact with serving dishes, utensils, tableware, linen, paper
10 products or other items involved in the eating establishment's operation;

11 D. A patron must keep a dog on a leash and under reasonable control;

12 E. A dog may not be allowed on a chair, table or other furnishing;

13 F. Every table and chair must be sanitized with a product approved by the
14 department after each use by a patron. Spilled food and drink must be removed from
15 the floor or ground between seatings of patrons;

16 G. Dog waste must be cleaned up immediately and the surrounding area sanitized
17 with a product approved by the department. Cleaning materials required under this
18 paragraph must be kept in the designated area;

19 H. A dog may not travel though an indoor or nondesignated outdoor area of the
20 eating establishment, and ingress to or egress from the designated area may not
21 require entrance into or passage through any indoor area of the establishment;

22 I. A sign detailing the requirements of this subsection must be posted in a location on
23 the premises of the eating establishment determined appropriate by the municipality
24 that is clearly visible to an employee of the eating establishment;

25 J. A sign detailing the requirements of this subsection must be posted in a location on
26 the premises of the eating establishment that is determined appropriate by the
27 municipality and that is clearly visible to a patron in the designated area; and

28 K. A sign informing the public that the designated area is available for the use of a
29 patron with a dog must be posted in a location determined appropriate by the
30 municipality.

31 **3. Transferability.** A permit issued under an ordinance enacted pursuant to
32 subsection 1 expires upon the sale or other transfer of the permitted eating establishment
33 and may not be transferred to a subsequent owner. A subsequent owner of a permitted
34 eating establishment that is sold or otherwise transferred may apply for a new permit
35 under subsection 1.

36 **4. Enforcement.** The department and a municipality may enforce that municipality's
37 ordinance adopted pursuant to subsection 1.

38 **5. State and local cooperation.** The department shall cooperate with and assist a
39 municipality in the development and enforcement of an ordinance adopted pursuant to
40 subsection 1. A municipality that adopts an ordinance under subsection 1 shall establish
41 a procedure to accept, document, respond to and timely report to the department a

1 complaint related to a violation of this section. A municipality shall provide the
2 department with all approved applications and permits issued under an ordinance adopted
3 pursuant to subsection 1.

4

SUMMARY

5 This bill allows a municipality to pass an ordinance to allow an eating establishment
6 to allow a patron to bring a dog into a designated outdoor area of the establishment. The
7 municipal ordinance must require the eating establishment to provide detailed
8 information regarding the designated area and follow rules concerning the handling and
9 conduct of dogs in the designated area, including posting the rules for employees and
10 patrons to see. This bill also provides for cooperation and communication between the
11 municipality and the Department of Health and Human Services.