

## CHAPTER 270-B

### PUBLIC REST ROOM FACILITIES IN EATING PLACES

#### §1685. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1987, c. 8, §2 (NEW).]

**1. Eating establishment.** "Eating establishment" means an eating establishment licensed by the Department of Health and Human Services under chapter 562 which prepares and serves food to the public for consumption inside the premises. "Eating establishment" does not include catering establishments, establishments dispensing food solely from vending machines, pushcarts and mobile eating places, roadside stands, retail frozen dairy product establishments or any other such places where customers do not consume food inside the building where the food is prepared and served. [PL 1987, c. 8, §2 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

#### SECTION HISTORY

PL 1987, c. 8, §2 (NEW). PL 2003, c. 689, §B6 (REV).

#### §1686. Toilet facilities required

An eating establishment must provide at least one toilet facility for the use of its customers. Toilet facilities that require access through the food preparation area or the use of which would in any way cause the establishment to be in violation of any state law or rule may not be considered as fulfilling this requirement. The location of the toilets must be clearly marked, and the toilets must be maintained in a sanitary condition and in good repair and their location must be identifiable from the eating area. There may not be a charge for their use. Lavatory facilities must be located within or immediately adjacent to all toilet rooms or vestibules. [PL 2013, c. 264, §2 (AMD).]

Upon appeal, the Division of Health Engineering may exempt from the requirements of this chapter eating establishments of 13 to 25 seats which are not licensed for on-premise consumption of alcoholic beverages and which were in existence prior to September 30, 1985, and which: [PL 1987, c. 769, Pt. A, §73 (NEW).]

**1. Shopping malls.** Are part of an enclosed mall which provides customer toilet facilities which are part of the public portion of the mall and not part of a business within the mall; [PL 1987, c. 769, Pt. A, §73 (NEW).]

**2. Other locations.** Have submitted evidence of an agreement with a 2nd party that customers of the eating establishment may use toilet facilities which are on the premises owned or rented by the 2nd party in cases where such use would not create a substantial inconvenience to the customer of the eating establishment; [PL 1987, c. 769, Pt. A, §73 (NEW).]

**3. Construction costs.** Are housed in buildings of unique construction which makes installation of a toilet facility cost prohibitive; or [PL 1987, c. 769, Pt. A, §73 (NEW).]

**4. Space loss.** Would lose 1/4 or more of their existing seating space if required to provide a toilet facility of a minimum size of 3 feet by 6 feet. [PL 1987, c. 769, Pt. A, §73 (NEW).]

Any eating establishment which does not have a toilet facility available shall post a sign to that effect which may be seen upon entry to the eating establishment. [PL 1987, c. 769, Pt. A, §73 (NEW).]

#### SECTION HISTORY

PL 1987, c. 8, §2 (NEW). PL 1987, c. 769, §A73 (RPR). PL 2013, c. 264, §2 (AMD).

#### **§1686-A. Eating establishments that permit consumption of alcoholic beverages**

Any eating establishment regardless of the number of seats that permits on-premises consumption of alcoholic beverages is bound by section 1686, regarding the provision of a toilet facility. An eating establishment that has a seating capacity of 40 or fewer persons is required to have at least one toilet facility but may not be required to have more than one toilet facility. [PL 2011, c. 242, §1 (AMD).]

#### SECTION HISTORY

PL 1987, c. 769, §A74 (NEW). PL 2011, c. 242, §1 (AMD).

#### **§1687. Rules**

The Department of Health and Human Services may adopt, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, rules to administer this chapter and thereby protect the public health. [PL 1987, c. 8, §2 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

#### SECTION HISTORY

PL 1987, c. 8, §2 (NEW). PL 2003, c. 689, §B6 (REV).

#### **§1688. Enforcement**

This chapter shall be enforced by the Division of Health Engineering. Anyone violating this chapter or rules under this chapter commits a civil violation for which a forfeiture of not more than \$200 may be adjudged. Each day of violation shall be considered a separate offense. [PL 1987, c. 8, §2 (NEW).]

#### SECTION HISTORY

PL 1987, c. 8, §2 (NEW).

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