

**CHAPTER 270****SHOPPING CENTERS AND RETAIL ESTABLISHMENTS****§1671. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1985, c. 737, Pt. A, §53 (RPR).]

**1. Shopping center.** "Shopping center" means any building or facility containing 6 or more separate retail establishments that are planned, developed, owned or managed as a unit, with an off-street public parking area of not less than 2 acres.

[PL 2009, c. 152, §1 (AMD).]

**2. Customer.** "Customer" means an individual who is lawfully on the premises of a retail establishment.

[PL 2009, c. 152, §1 (NEW).]

**3. Eligible medical condition.** "Eligible medical condition" means Crohn's disease, ulcerative colitis or any other inflammatory bowel disease, irritable bowel syndrome, a condition requiring the use of an ostomy device or any other medical condition that requires immediate access to a toilet facility.

[PL 2009, c. 152, §1 (NEW).]

**4. Retail establishment.** "Retail establishment" means a place of business open to the general public for the sale of goods or services.

[PL 2009, c. 152, §1 (NEW).]

**SECTION HISTORY**

PL 1985, c. 102 (NEW). PL 1985, c. 737, §A53 (RPR). PL 2009, c. 152, §1 (AMD).

**§1672. Public rest room facilities required**

In any building or facility constructed specifically as a shopping center after September 19, 1985, there shall be installed a minimum of 2 toilets for the use of the public. There shall be at least one separate toilet for each sex and the toilets provided shall be clearly marked, maintained in a sanitary condition and in good repair. Lavatory facilities shall be located within or immediately adjacent to all toilet rooms or vestibules. There shall be no charge for their use. [PL 1985, c. 737, Pt. A, §53 (RPR).]

**SECTION HISTORY**

PL 1985, c. 102 (NEW). PL 1985, c. 737, §A53 (RPR).

**§1672-A. Smoking restricted**

**(REPEALED)**

**SECTION HISTORY**

PL 1989, c. 314 (NEW). RR 1991, c. 1, §28 (COR). PL 1993, c. 342, §8 (RP). PL 1993, c. 342, §9 (AFF).

**§1672-B. Retail establishments; access to employee toilet facilities**

**1. Access for customers with eligible medical conditions.** A retail establishment that has a toilet facility for its employees shall allow a customer to use that facility during normal business hours if:

- A. The customer requesting the use of the employee toilet facility suffers from an eligible medical condition; [PL 2009, c. 152, §2 (NEW).]
- B. Three or more employees of the retail establishment are working at the time the customer requests the use of the employee toilet facility; [PL 2009, c. 152, §2 (NEW).]
- C. Allowing the customer to use the toilet facility would not impose an undue burden on the retail establishment; [PL 2009, c. 152, §2 (NEW).]
- D. The retail establishment does not normally make a toilet facility available to the public; [PL 2009, c. 152, §2 (NEW).]
- E. The employee toilet facility is not located in an area where providing access would create an obvious health or safety risk to the customer or an obvious security risk to the retail establishment; and [PL 2009, c. 152, §2 (NEW).]
- F. A public toilet facility is not immediately accessible to the customer. [PL 2009, c. 152, §2 (NEW).]

[PL 2009, c. 152, §2 (NEW).]

**2. Liability.** A retail establishment or an owner or employee of a retail establishment is not civilly liable for any act or omission in allowing a customer to use an employee toilet facility that is not a public toilet facility pursuant to subsection 1 unless:

- A. The retail establishment or owner or employee of the retail establishment is willfully or grossly negligent; [PL 2009, c. 152, §2 (NEW).]
- B. The act or omission occurs in an area of the retail establishment that is not accessible to the public; and [PL 2009, c. 152, §2 (NEW).]
- C. The act or omission results in an injury to or death of the customer or an individual other than an employee accompanying the customer. [PL 2009, c. 152, §2 (NEW).]

[PL 2009, c. 152, §2 (NEW).]

**3. Modifications not required.** A retail establishment is not required to make any physical change to an employee toilet facility under this section.

[PL 2009, c. 152, §2 (NEW).]

**4. Application.** This section may not be construed to limit the rights, remedies and procedures afforded to individuals pursuant to the Maine Human Rights Act. The civil penalties in section 1674 may not be assessed for any violation of this section.

[PL 2009, c. 152, §2 (NEW).]

## SECTION HISTORY

PL 2009, c. 152, §2 (NEW).

### §1673. 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 1985, c. 737, Pt. A, §53 (RPR); PL 2003, c. 689, Pt. B, §6 (REV).]

## SECTION HISTORY

PL 1985, c. 102 (NEW). PL 1985, c. 737, §A53 (RPR). PL 2003, c. 689, §B6 (REV).

### §1674. 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 date of violation shall be considered a separate offense. [PL 1985, c. 737, Pt. A, §53 (RPR).]

#### SECTION HISTORY

PL 1985, c. 102 (NEW). PL 1985, c. 737, §A53 (RPR).

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