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

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

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

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

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

§ 2502. Dogs in designated outdoor areas

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

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

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

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

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

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

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

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

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

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

(7) Any other information the municipality determines necessary;

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

E. Any other information the municipality determines necessary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. State and local cooperation. The department shall cooperate with and assist a municipality in the development and enforcement of an ordinance adopted pursuant to subsection 1. A municipality that adopts an ordinance under subsection 1 shall establish a procedure to accept, document, respond to and timely report to the department a complaint related to a violation of this section. A municipality shall provide the department with all approved applications and permits issued under an ordinance adopted pursuant to subsection 1.

SUMMARY

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