

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 966, L.D. 1344, Bill, "An Act to Strengthen Maine's Restaurant Smoking Law"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 22 MRSA §1579-A, sub-§§2 and 3, as enacted by PL 1987, c. 191, are amended to read:

2. Restaurants. Smoking in restaurants shall be governed by the following policies.

A. Restaurants shall provide for their patrons a ~~no-smoking~~ no-smoking area reasonably calculated to address the needs of the nonsmoking public. The department shall, by rule, adopted under the Maine Administrative Procedure Act, Title 5, chapter 375, define "reasonably calculated." The rule, accompanied by a description of the department's experience in enforcing the rule, shall be submitted to the joint standing committee of the Legislature having jurisdiction over human resource matters by January 1, 1991, for review.

B. Restaurants shall display prominently, at or near the entrance, a sign indicating ~~its~~ their policy on seating smokers and nonsmokers and shall encourage ~~patrons~~ customers to make their seating requests known. A sign need not be displayed if a host or hostess seats ~~patrons~~ customers and indicates verbally at the time of seating the restaurant's policy and the location of the smoking and no-smoking areas in the restaurant.

C. Nothing in this subsection prohibits a restaurant from designating more than 50% of its indoor seating or all of its indoor seating as a no-smoking area.

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29

3. Violations. Failure to post a sign or announce a policy, to provide a no-smoking area as required by subsection 2 or to establish, --post-or-be-responsible-for-implementation-of-a policy, comply with rules promulgated pursuant to subsection 2 is a civil violation for which a forfeiture of not more less than \$100 nor more than \$500 may be adjudged.

Sec. 2. 22 MRSA §1579-A, sub-§4 is enacted to read:

4. Licensure requirement. The Department of Human Services shall implement rules, pursuant to section 2496, that make the failure to provide for a no-smoking area under the provisions of subsection 2 a violation of the eating establishment licensure rules. Employees of the department inspecting restaurants pursuant to their authority under chapter 562 shall determine whether the restaurant is in compliance with and enforce this section.'

STATEMENT OF FACT

This amendment requires the Department of Human Services to adopt rules to define what constitutes a reasonably calculated attempt by a restaurant to address the needs of the nonsmoking public. It requires that a restaurant post its policy with regard to no-smoking areas and changes the fine for failure to comply with the law's requirements. The amendment also removes the provision of the original bill prohibiting cigarette vending machines on the premises of a restaurant.

Reported by the Majority of the Committee on Human Resources
Reproduced and distributed under the direction of the Clerk of the House
6/6/89 (Filing No. H-409)