

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1901

H.P. 1342

House of Representatives, January 4, 2006

An Act To Amend the Law Regarding Smoking in Private Clubs

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GROSE of Woolwich.

Cosponsored by Representatives: CLARK of Millinocket, JENNINGS of Leeds, MILLER of Somerville and Representative: WEBSTER of Freeport.

2 **Emergency preamble. Whereas,** acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** current law requires that a majority of the
membership determine by a vote whether smoking may be allowed in
private clubs; and

8
10 **Whereas,** current law could be interpreted to mean that
nonvoting members should be counted as having voted no; and

12 **Whereas,** this legislation is an emergency because the law
needs to be clarified so that when a vote is taken, the club will
14 know how to count the votes; and

16 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
18 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
20 safety; now, therefore,

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

24 **Sec. 1. 22 MRSA §1580-A, sub-§7, ¶B,** as enacted by PL 2005, c.
338, §6, is amended to read:

26 B. ~~Demonstrates by a written secret ballot vote taken at~~
28 ~~least once every 3 years~~ that a majority of the ballots
received indicates that the members have voted to allow
30 smoking. The vote must be taken by a written secret ballot
vote at least once every 3 years. The date of the vote must
32 be announced to all members at least 14 days prior to the
vote. All ballots cast in the vote must be kept on file for
34 at least 3 years and made available to the Bureau of Health
upon request.

36 **Emergency clause.** In view of the emergency cited in the
38 preamble, this Act takes effect when approved.

40
42 **SUMMARY**

44 This bill amends the law that allows smoking in private
clubs if a majority of members votes to allow smoking by changing
the voting requirement to a majority of ballots received.