

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1230

H.P. 921

House of Representatives, March 22, 2011

An Act To Prohibit Smoking in Private Clubs Except in Separate Enclosed Areas

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative BLODGETT of Augusta.
Cosponsored by Senator CRAVEN of Androscoggin and
Representatives: BOLAND of Sanford, EVES of North Berwick, GRAHAM of North
Yarmouth, KNIGHT of Livermore Falls, SANBORN of Gorham, STEVENS of Bangor,
Senator: SAVIELLO of Franklin.

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

2 **Sec. 1. 22 MRSA §1542, sub-§1**, as amended by PL 2009, c. 140, §1, is further
3 amended to read:

4 **1. Prohibition.** Smoking is prohibited in all enclosed areas of public places, outdoor
5 eating areas as provided in section 1550, clubs as provided in section 1580-A, subsection
6 10 and all rest rooms made available to the public. In the case of a child care facility that
7 is not home-based, smoking is also prohibited in a facility-designated motor vehicle
8 within 12 hours before transporting a child who is in the care of the child care facility,
9 and whenever such a child is present in the vehicle. Smoking is also prohibited in
10 outdoor areas of the facility where children may be present.

11 **Sec. 2. 22 MRSA §1580-A, sub-§2, ¶C-2**, as enacted by PL 2005, c. 581, §1, is
12 repealed.

13 **Sec. 3. 22 MRSA §1580-A, sub-§9**, as amended by PL 2005, c. 683, Pt. G, §2
14 and affected by §3, is repealed.

15 **Sec. 4. 22 MRSA §1580-A, sub-§10** is enacted to read:

16 **10. Smoking in club's business facility.** Smoking is prohibited in a club's business
17 facility except as provided in this subsection.

18 A. A club may allow smoking in an outdoor designated smoking area.

19 B. A club may allow smoking in an enclosed designated smoking area only if:

20 (1) No sales or services are provided, and no club events occur in the enclosed
21 designated smoking area;

22 (2) No employees work in or are required to pass through the enclosed
23 designated smoking area;

24 (3) Members of the club, except for those who choose to be present in the
25 enclosed designated smoking area, are not required to use or pass through the
26 enclosed designated smoking area for any purpose;

27 (4) No one under 18 years of age is permitted in the enclosed designated
28 smoking area; and

29 (5) The enclosed designated smoking area does not comprise more than 20% of
30 the total square footage open to members of the club.

31 For purposes of this paragraph, "enclosed designated smoking area" means an indoor
32 enclosed area designated as a place for smoking, separated from the other areas of the
33 club by walls and designed to prevent smoke escaping from the designated area into
34 the other areas of the club.

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SUMMARY

Current law allows smoking in private clubs, such as those operated by fraternal orders or veterans' organizations, under certain conditions, such as when approved by a vote of the members of the club. This bill prohibits smoking in private clubs except in designated outdoor smoking areas and enclosed indoor areas designed to prevent the escape of smoke into the rest of the club.