

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)

FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 550

H. P. 433

House of Representatives, February 14, 1979

Referred to the Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Vincent of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT to Provide for Nonsmoking Areas in Restaurants with a Seating Capacity
of 50 or More Persons.**

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

22 MRSA c. 267 is enacted to read:

CHAPTER 267

INDOOR AIR

§ 1651. No smoking area in restaurants

1. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms shall have the following meanings.

A. "Restaurant" includes, but is not limited to, any food service establishment, dining room, cafe, cafeteria or other place used primarily for the service of food.

B. "Smoking" includes, but is not limited to, carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

2. Commercial restaurant. In every commercial restaurant available to the public which has a seating capacity of 50 or more persons, there shall be an area where smoking is not permitted, which shall be designated a no-smoking area.

The designation shall be made by the person with general supervisory responsibility over the restaurant before the restaurant is next or first made available to the public after January 1, 1980. This no-smoking area shall have an area in square feet equal or exceeding 25% of the area of the restaurant used primarily for the service of food. When all available seating in the area used primarily in the service of food is being used, the requirement for a no-smoking area can be waived.

3. **Penalty.** Any supervisor who does not comply with the requirements of this section shall be guilty of a civil violation for which a forfeiture of not more than \$500 shall be adjudged.

STATEMENT OF FACT

This bill will establish no-smoking areas in restaurants having a seating capacity of 50 persons or more. The no-smoking area will be at least 25% of the area of the restaurant used primarily for the service of food, but this requirement may be waived when all available seating in the food service area is occupied.