

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 TENTH LEGISLATURE

Legislative Document

No. 246

H. P. 201

House of Representatives, January 13, 1981

On Motion of Mrs. Prescott of Hampden reconsidered reference to the Committee on Legal Affairs and referred to the Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Curtis of Waldoboro. (By Request)

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Concerning Smoking in Public Places and at Public Meetings.

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

22 MRSA §§ 1578, 1579, 1580, 1580-A, and 1580-B are enacted to read:

§ 1578. **Smoking in public places and at public meetings**

1. **Definitions.** As used in this section and sections 1579, 1580, 1580-A and 1580-B, unless the context otherwise indicates, the following terms have the following meanings.

A. "Public meeting" includes any assembly open to the public and held in an enclosed indoor area.

B. "Public place" means retail stores, grocery stores, drug stores, restaurants, public conveyances, educational facilities, hospitals, nursing homes, health care facilities, auditoriums, theaters, libraries, museums, arenas, banks, barber shops and meeting rooms, but does not include private enclosed offices which have separate ventilation, or bars and private clubs.

C. "Smoking" includes inhaling and exhaling the fumes of any lighted tobacco product or smoking equipment, and the carrying of any lighted tobacco product or smoking equipment.

D. "Smoking room" means a designated room in which smoking is permitted,

which is closed off to prevent smoke from drifting into other sections or rooms where smoking is not permitted, and which has separate ventilation in operation when smoking begins and remains in operation until all traces of smoke have been purged from the room. Smoking rooms may be designated by proprietors or other persons in charge of public places, except in rooms or areas in which smoking is prohibited by the fire marshal or by other law, ordinance or regulation. Where smoking rooms or exterior smoking areas are designated, a prominent sign shall indicate their location.

2. Prohibition. No person may smoke tobacco or any other substance in any form in public places or at public meetings, except in designated smoking rooms or exterior smoking areas.

3. Conditions where smoking in public proceedings is permitted. Smoking at a public proceeding may be allowed, provided that all members present have given their consent for others to smoke and provided that no tobacco smoke can drift into or permeate other inhabited sections of the building housing the meeting.

4. Violation. From 10 days after this section takes effect, any person knowingly or willfully violating this section commits a civil violation for which a forfeiture of \$50 shall be adjudged for the first violation and a forfeiture of \$100 for each successive violation.

§ 1579. No smoking regulations

It is the duty of the department to inspect all food processing plants, grocery stores, drug stores, restaurants, cafeterias, hospitals, rest homes and other public places, on a regular basis. The department may institute and enforce "NO SMOKING" regulations in any room or area where food or medicines are stored, prepared, handled, served, administered, sold or consumed, and in any rest room, first-aid room or connecting passage ways on the premises. "NO SMOKING" signs of adequate size and uniform legibility shall be posted at eye level, wherever possible, by law in all these areas and at all accesses to these buildings.

A smoking room of adequate size may be provided in these buildings, and on each floor or level, provided that the smoking rooms are closed off so as not to allow smoke to drift into other areas, and have separate ventilation in operation when smoking begins, and the ventilation continues in operation until all traces of smoke have been purged from the rooms.

From 10 days after this section takes effect, any of the buildings mentioned in this section found to be in violation of any provision herein, except those performing health care or emergency service, shall be closed for one day and required to make immediate corrections. Any subsequent violation found in the same year shall result in court action, and a forfeiture of not less than \$100 nor more than \$1,500 may be imposed for each violation. The building shall be closed for an additional day for each violation.

§ 1580. Tobacco smoke assault

It is illegal for anyone to knowingly and willfully cause or allow tobacco smoke to come in contact with any nonsmoking adult against his will. Such contact shall be classified "TOBACCO SMOKE ASSAULT" and, notwithstanding Title 17-A, section 4-A, offenders shall be subject to arrest and a fine of \$25 for each person so assaulted for the first offense, and a fine of \$50 for each person so assaulted for each successive offense.

Notwithstanding Title 17-A, section 4-A, whoever is found guilty of knowingly and willfully assaulting any minor or adult with tobacco smoke or the by-products of tobacco ignition mediums, when the person so assaulted is known to have a respiratory or pulmonary condition, handicap or disability, or anyone else who by his own experience finds such contact painful, mind altering or mind boggling, breath shortening, eye irritating or damaging, performance lowering or allergy triggering, shall be liable to a fine of \$100 for each offense, and shall be liable for any resulting health care and damages.

§ 1580-A. Smoking in prohibited areas

Notwithstanding Title 17-A, section 4-A, whoever ignites, smokes, or causes tobacco products or other smoking materials to burn in any enclosure open to the public where ashtrays are not in view, or where signs are posted prohibiting smoking, shall be subject to arrest and liable to a fine of \$25 for the first offense and a fine of \$50 for each successive offense.

§ 1580-B. Payment to employees exposed to smoke

All employers in the State, who allow nonsmoking employees who work indoors to come in contact with tobacco smoke in any work area, cafeteria, rest room or their connecting passageways, shall be obligated to pay those employees an additional amount, equal to a minimum of 15% of those employees' regular daily pay, when such contact is made on any day in the regular performance of his job.

STATEMENT OF FACT

The purpose of this bill is to protect the public health, comfort and environment by controlling or eliminating a health menace, to provide reasonable safe access to the necessities of life and to provide access to noncontaminated foods and medicines.