

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 395

H. P. 347

House of Representatives, January 22, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Dexter of Kingfield.

Cosponsors: Representative Smith of Island Falls, Senator Clark of Cumberland and Senator Trafton of Androscoggin.

STATE OF MAINE

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

AN ACT Creating the Maine Clean Indoor Air Act.

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

22 MRSA § 1578 is enacted to read:

§ 1578. **Smoking prohibited in public places and at public meetings except in designated areas**

1. **Smoking prohibited.** No person may smoke tobacco in any form in public places or at public meetings, except as otherwise provided in this section.

2. **Public place defined.** As used in this section "public place" means auditoriums, theaters, libraries, museums, public conveyances, educational buildings, hospitals and health care facilities which are publicly owned or tax supported in whole or in part.

3. **Public meeting defined.** "Public meeting" includes any assembly open to the public and held in an enclosed, indoor area.

4. **Smoking defined.** "Smoking" includes inhaling and exhaling the fumes of any lighted tobacco product or smoking equipment and the carrying of lighted tobacco products or lighted smoking equipment.

5. **Smoking area defined.** "Smoking area" means a designated area in which smoking is permitted.

6. **Designation of smoking areas in public places.** A smoking area may be designated by proprietors or other persons in charge of public places except in areas in which smoking is prohibited by the State Fire Marshal or by other law, ordinance or regulation. Where smoking areas are designated, a prominent sign shall indicate this location. A public meeting shall not be held in any designated smoking area. A designation of a smoking area shall not include more than 1/2 the space within a public place.

7. **Conditions where smoking in public meetings is permitted.** A person may smoke at a public meeting if all members present have given their consent.

8. **Violation.** Violation of this section, after warning, is a civil violation for which a forfeiture of not more than \$50 may be adjudged.

9. **Legislative purpose.** The purpose of this Act is to protect the public health, comfort and environment by prohibiting smoking in public places and at public meetings except in designated smoking areas. The side-stream smoke from tobacco products which goes directly into the air from the burning end of the product contains larger quantities of harmful chemical compounds than the smoke inhaled by the smoker. The side stream smoke presents a health hazard to nonsmokers, especially those with allergic and asthmatic conditions, chronic heart or lung disease and infants or children. Nonsmokers have no way of protecting themselves from the harmful effects of tobacco smoke in public meetings or in public places.

STATEMENT OF FACT

The purpose of this bill is to prohibit smoking at public meetings unless there is unanimous consent, and in public buildings except in designated smoking areas, and provide for a penalty of \$50 for a civil violation after warning.