

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 276

6
7 H.P. 235

House of Representatives, January 30, 1985

8 Reference to the Committee on Human Resources suggested and ordered
9 printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Nelson of Portland.

11 Cosponsored by Representative Dexter of Kingfield, Representative Pines
of Limestone and Senator Violette of Aroostook.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Establish Policies Governing
18 Smoking in Places of Work.
19

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

22 22 MRSA §1580-A is enacted to read:

23 §1580-A. Smoking in places of employment

24 1. Title. This law shall be known as the
25 "Workplace Smoking Act of 1985."

26 2. Definitions. As used in this section, unless
27 the context indicates otherwise, the following terms
28 have the following meanings.

29 A. "Business facility" means a structurally en-
30 closed location or portion thereof at which em-
31 ployees perform services for their employer.

1 B. "Employee" means a person who performs a ser-
2 vice for wages or other remuneration under a con-
3 tract of hire, written or oral, expressed or im-
4 plied. Employee includes a person employed by the
5 State or a political subdivision of the State.

6 C. "Employer" means a person who has one or more
7 employees. Employer includes an agent of an em-
8 ployer and the State or a political subdivision
9 of the State.

10 D. "Smoking" means carrying or having in one's
11 possession a lighted cigarette, cigar, pipe or
12 other object giving off or containing any sub-
13 stance giving off smoke.

14 3. Policy; notice. Each employer shall estab-
15 lish, post and enforce a written policy concerning
16 smoking and nonsmoking by employees in that portion
17 of any business facility for which he is responsible.
18 This policy shall protect the health, welfare and
19 comfort of employees from the detrimental effects of
20 smoking and shall prohibit smoking except in desig-
21 nated smoking areas. The employer shall provide a
22 copy of this policy to any employee upon request.
23 Nothing in this section may affect the right of any
24 employer to establish policies concerning smoking and
25 nonsmoking by members of the public who have access
26 to the business facility.

27 The Bureau of Health shall accept inquiries from em-
28 ployers and employees and shall, when requested, as-
29 sist employers in developing a policy.

30 4. Violations. Failure to establish, post or
31 enforce a policy is a civil violation for which a
32 fine of not more than \$100 may be adjudged. The Bu-
33 reau of Health shall have authority to enforce provi-
34 sions of this section.

35 5. Civil remedies. Nothing in the section may
36 be construed as precluding any person from pursuing,
37 in any court of competent jurisdiction, any civil
38 remedy that person may have at common law or in equi-
39 ty for harm occasioned to that person from smoking by
40 others in any business facility covered by this sec-
41 tion.

