

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 789

S.P. 279

In Senate, March 17, 1987

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

JOY J. O'BRIEN, Secretary of the Senate  
Presented by Senator COLLINS of Aroostook.  
Cosponsored by Representative HILLOCK of Gorham.

STATE OF MAINE

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

1 AN ACT Concerning Smoking in Restaurants with  
2 at Least 50 Seats in the Dining Area.  
3

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

6 22 MRSA §1578-A is enacted to read:

7 §1578-A. Smoking in restaurants

8 1. Definitions. As used in this section, unless  
9 the context indicates otherwise, the following terms  
10 have the following meanings.

11 A. "Restaurant" means any enclosed indoor res-  
12 taurant or other enclosed indoor establishment  
13 which invites the public to be served food for  
14 consumption on the premises and which contains at  
15 least 50 seats in the dining area.

1 B. "Smoking" means carrying or having in one's  
2 possession a lighted cigarette, cigar, pipe or  
3 other object giving off or containing any sub-  
4 stance giving off tobacco smoke.

5 2. Policy; notice. A restaurant owner or his  
6 designee shall establish a written policy concerning  
7 smoking and nonsmoking by members of the public in  
8 that restaurant. The policy must set aside at least  
9 40% of the actual number of seats as a nonsmoking ar-  
10 ea. The policy shall prohibit smoking except in des-  
11 ignated smoking areas. The policy may prohibit smok-  
12 ing throughout the restaurant. The restaurant owner  
13 or his designee shall post and supervise the imple-  
14 mentation of the policy.

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

18 3. Violation. Failure to establish, post or su-  
19 pervise the implementation of a policy is a civil vi-  
20 olation for which a forfeiture of not more than \$100  
21 may be adjudged.

22 STATEMENT OF FACT

23 The purpose of this bill is to require that res-  
24 taurants with 50 seats or more in the dining area es-  
25 tablish and enforce a smoking policy. At least 40%  
26 of the actual number of seats must be set aside as a  
27 nonsmoking area.

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