

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2311

H.P. 1682 House of Representatives, February 19, 1988
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Education suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative DIAMOND of Bangor.

Cosponsored by Senator GILL of Cumberland,
Representatives DEXTER of Kingfield and HICKEY of Augusta.

STATE OF MAINE

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

1 AN ACT to Restrict Smoking in Elementary and
2 Secondary Schools.
3

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

6 22 MRSA §1578-B is enacted to read:

7 §1578-B. Smoking in elementary and secondary schools

1 1. Definitions. As used in this section, unless
2 the context otherwise indicates, the following terms
3 have the following meanings.

4 A. "Elementary or secondary school" means any
5 public elementary or secondary school accredited
6 in accordance with Title 20-A, chapter 206,
7 subchapter II.

8 B. "Principal" has the same meaning as defined in
9 Title 20-A, section 1, subsection 21.

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

14 2. Prohibition. Except as provided in subsection
15 3, no person may smoke within any elementary or
16 secondary school while school is in session or student
17 activities are being conducted.

18 3. Exceptions. Notwithstanding subsection 2,
19 smoking is permitted in elementary or secondary
20 schools under the following circumstances.

21 A. The state or local boards of education shall
22 establish, or may negotiate through the collective
23 bargaining process, a written policy concerning
24 the designation of smoking areas for its employees
25 in accordance with section 1580-A, subsection 3,
26 and may permit smoking in rooms used for private
27 functions.

28 B. Smoking may be permitted in classrooms only as
29 part of a lesson's demonstration.

30 4. Notice. The principal of the elementary or
31 secondary school, or the principal's designee, shall
32 display signs that prominently indicate the school's
33 smoking policy and shall supervise the implementation
34 of the policy.

35 5. Violations. Failure to post a sign or

1 announce a policy, or to establish, post or be
2 responsible for implementation of a policy, is a civil
3 violation for which a forfeiture of not more than \$100
4 may be adjudged.

5 STATEMENT OF FACT

6 This bill prohibits smoking in all elementary and
7 secondary schools while school is in session or
8 student activities are being conducted. The state or
9 local boards of education must establish, or may
10 negotiate through the collective bargaining process, a
11 written policy concerning the designation of smoking
12 areas for its employees, and may permit smoking in
13 rooms used for private functions. Smoking may also be
14 permitted in rooms used for private functions.
15 Finally, this bill requires a school principal or his
16 designee to post signs and supervise the
17 implementation of the smoking policy.

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