

MAINE STATE LEGISLATURE

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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 approved in
6 accordance with Title 20-A, chapter 206,
7 subchapter I.

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

10 C. "Student" means any elementary or secondary
11 student enrolled in an elementary or secondary
12 school as defined in Title 20-A, chapter 1.

13 D. "Tobacco use" includes smoking, which means
14 carrying or having in one's possession a lighted
15 cigarette, cigar, pipe or other object giving off
16 or containing any substance giving off smoke, and
17 the use of smokeless tobacco.

18 2. Prohibition. Except as provided in
19 subsections 3 and 4, no student or school employee is
20 allowed to use tobacco in the buildings or on the
21 grounds of any elementary or secondary school while
22 school is in session.

23 3. Exceptions. Tobacco use may be permitted in
24 classrooms only as part of a bona fide demonstration
25 during a class lesson, with prior notice being given
26 to the school's administrator.

27 4. Employees. School employees are prohibited
28 from tobacco use in school buildings or on school
29 grounds, except that a local school board may
30 establish a designated smoking area or areas in
31 accordance with section 1580-A, subsection 3, and
32 employees may reopen collective bargaining
33 negotiations in accordance with section 1578-A,
34 subsection 4, for the purpose of bargaining for
35 smoking areas. Any school employee smoking area shall
36 be located away from areas frequented by students.

1 5. Public. Tobacco use by any member of the
2 public, other than an employee or student, in school
3 buildings and on school grounds shall be governed by
4 section 1578-A.

5 6. Enforcement. The principal of the elementary
6 or secondary school, or the principal's designee,
7 shall enforce the law prohibiting and restricting
8 tobacco use under this section.

9

STATEMENT OF FACT

10 The purpose of this new draft is to clarify the
11 prohibition on smoking in schools embodied in the
12 original bill. The new draft prohibits tobacco use,
13 including the use of smokeless tobacco, by students or
14 school employees in school buildings or on school
15 grounds during school hours unless part of a bona fide
16 education demonstration or unless a designated smoking
17 area has been established for employees under the
18 Workplace Smoking Act of 1985 or unless employees have
19 collectively bargained for a smoking area in
20 accordance with the smoking in public building laws.
21 The new draft requires any smoking area established in
22 a school to be located away from areas frequented by
23 students. The new draft clarifies that smoking in
24 schools by members of the public is governed by the
25 smoking in publicly owned buildings laws.

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