

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 1898

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S.P. 723

In Senate, December 12, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Secretary of the Senate on December 12, 1989. Referred to the Committee on Human Resources and 1,600 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec.

Cosponsored by Senator BRANNIGAN of Cumberland, Representative BURKE of Vassalboro and Representative PARADIS of Augusta.

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STATE OF MAINE

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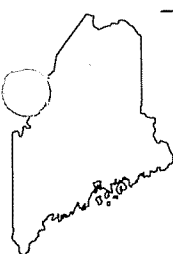
IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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An Act Related to Smoking in Facilities for the Mentally Ill.

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(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted  
as emergencies; and

4  
Whereas, in November 1989 the State put into effect a law  
6 banning smoking in hospitals; and

8  
Whereas, for some individuals living in the State's mental  
health institutes, this effectively prohibits smoking in their  
10 home; and

12  
Whereas, this could mean an increase in the need to  
institute seclusion and restraint procedures as smoking patients  
14 are deprived of their right to smoke; and

16  
Whereas, these individuals do not have the ability to go  
home or to another location in order to smoke; and

18  
Whereas, in the judgment of the Legislature, these facts  
20 create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
22 necessary for the preservation of the public peace, health and  
safety; now, therefore,

24  
**Be it enacted by the People of the State of Maine as follows:**

26  
**22 MRSA §1580-B, sub-§4 is enacted to read:**

28  
4. Smoking in state mental health institutes. Residents of  
30 state mental health institutes may smoke tobacco in a designated  
smoking area until February 14, 1992. Institutes housing  
32 individuals who are mentally ill shall design and implement  
smoking cessation programs to help residents in meeting the  
34 February 14, 1992 prohibition on smoking.

36  
**Emergency clause.** In view of the emergency cited in the  
preamble, this Act shall take effect when approved.

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42  
44  
**STATEMENT OF FACT**

46  
The purpose of this bill is to allow time for the  
implementation of smoking cessation programs for residents of  
state mental health institutes before imposing a smoking ban.  
48 This bill establishes a February 14, 1992 prohibition on smoking  
in state mental health institutes and requires that smoking  
cessation programs be offered to residents.  
50