

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2039

H.P. 1462

House of Representatives, December 28, 1989

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

Received by the Clerk of the House on December 28, 1989. Referred to the Committee on Human Resources and 1600 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative HOLT of Bath.

Cosponsored by Representative PENDLETON of Scarborough, Senator CAHILL of Sagadahoc and Senator GAUVREAU of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

**An Act to Protect Public Health by Prohibiting Smoking on Public
Transportation Buses.**

(EMERGENCY)



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

Whereas, recent evidence clearly demonstrates the danger of 2nd-hand smoke to health and indicates that people with hypersensitivity and infants are especially in jeopardy; and

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

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

22 MRSA §1580-C is enacted to read:

§1580-C. Smoking on public transportation buses prohibited

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

A. "Bus" means every motor vehicle designed to carry more than 15 people, including passengers and the operator, and used for the transportation of passengers. "Bus" does not include a chartered bus.

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

2. Smoking prohibited. No person may smoke tobacco or any other substance on any bus.

3. Notice. The operator of a bus subject to this section shall post a notice in a conspicuous location on the bus.

4. Violation. The following penalties apply.

A. Any person who fails to post a notice as required by this section commits a civil violation for which a forfeiture of not more than \$100 may be adjudged.

B. Any person smoking on a bus commits a civil violation for which a forfeiture of not more than \$100 may be adjudged.

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

STATEMENT OF FACT

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This bill prohibits smoking on all buses that are not chartered.