

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 420, L.D. 603, Bill, "An Act to Amend the Laws Concerning Smoking in Restaurants"

Amend the bill in section 1 in subsection 2 by striking out all of paragraph A and inserting in its place the following:

'A. Smoking tobacco or any other substance in a restaurant is prohibited.'

Further amend the bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. 22 MRSA §1579-A, sub-§3, as amended by PL 1989, c. 451, §1, is repealed and the following enacted in its place:

3. Violations. A person who smokes in a restaurant, a restaurant operator who allows smoking in that operator's restaurant or a restaurant operator who fails to post no smoking signs commits a civil violation for which a warning may be issued for the first violation and a forfeiture of \$50 may be adjudged for each subsequent violation.'

Further amend the bill at the end before the statement of fact by inserting the following:

'FISCAL NOTE

This bill prohibits smoking in restaurants, provides that a warning be issued for the first offense and reduces the fine for violations. The additional work load and administrative costs associated with a minimal number of additional cases filed in District Court as a result of the violation will be absorbed within the budgeted resources of the Judicial Department. There will also be a decrease in General Fund revenue from the imposition of a lesser fine for violations of smoking prohibitions. This amount can not be estimated at this time.'

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STATEMENT OF FACT

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The original bill forbids persons to smoke in restaurants and requires restaurant operators to post no smoking signs. The penalty currently in law of a forfeiture of \$100 to \$500 is retained.

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This amendment changes the wording of the smoking prohibition to allow both smokers and restaurant operators to be liable for a violation of the prohibition. It changes the punishment for a violation to a warning for the 1st offense and a \$50 forfeiture for subsequent offenses.

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Reported by the Minority of the Committee on Human Resources
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