

MAINE STATE LEGISLATURE

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L.D. 1134

(Filing No. S- 252)

STATE OF MAINE
SENATE
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 422, L.D. 1134, Bill, "An Act to Protect Citizens from the Effects of Environmental Tobacco Smoke"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 22 MRSA c. 262 is enacted to read:

CHAPTER 262

SMOKING

§1541. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings:

1. Designated smoking area. "Designated smoking area" means an enclosed area designated as a place for smoking. A designated area must be designed to minimize smoke escaping from the designated area into a public place.

2. Enclosed area. "Enclosed area" means a space between a floor and a ceiling that is demarcated on all sides by floor-to-ceiling walls, windows, doors or passageways. Partitions, partial walls or office dividers that do not extend from the floor to the ceiling are not demarcations of enclosed areas.

3. Private office. "Private office" means an enclosed area that constitutes the work area for no more than 2 persons.

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2 4. Public place. "Public place" means any place not open
to the sky into which the public is invited or allowed. A
private residence is not a public place.

4
6 5. Restaurant. "Restaurant" means a restaurant as defined
in section 1579-A, subsection 1.

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

12 §1542. Smoking prohibited in public places

14 1. Prohibition. Smoking is prohibited in all enclosed
areas of public places. Smoking is also prohibited in all rest
16 rooms made available to the public.

18 2. Limitations. The smoking prohibition in subsection 1 is
subject to the following limitations.

20 A. Smoking may be permitted in an enclosed area of a public
22 place during a period of time that the facility containing
24 the enclosed area of the public place is not open to the
public.

26 B. Smoking may be permitted in theaters or other enclosed
28 structures used for plays, lectures, recitals or other
similar purposes if the smoking is solely by a performer and
the smoking is part of the performance.

30 C. Smoking may be permitted in any area when undertaken as
32 part of a religious ceremony or as part of a cultural
activity by a defined group such as Native Americans.

34 D. Smoking in restaurants is governed by section 1579-A.

36 E. Smoking in places of employment is governed by section
38 1580-A.

40 F. Smoking in hospitals is governed by section 1580-B.

42 G. Smoking may be permitted in taverns or lounges or
44 facilities serving primarily alcohol.

46 H. Smoking may be permitted in motel or hotel rooms that
are rented to members of the public.

48 I. Smoking may be permitted in those portions of public
places consisting of private offices when no member of the

2 public is present, subject to the provisions of section
3 1580-A.

4 J. Smoking may be permitted in retail stores operated by
5 the owner in which the total area open to the public does
6 not exceed 1,500 square feet.

8 K. For civic auditoriums, as defined in Title 28-A, section
9 2, smoking may be permitted in the hallways and lobby areas
10 as long as a no smoking area is maintained between the main
11 entrance to the building and one or more doors to the
12 auditorium or area where performances or other events occur.

14 L. Smoking may be permitted in enclosed areas of public
15 places when beano or bingo games are being conducted in
16 accordance with the provisions of Title 17, sections 314 and
17 314-A.

18 **3. Minimum standards.** The smoking restrictions established
19 by this chapter are minimum standards. Municipalities and
20 persons who control facilities in which smoking is restricted may
21 impose more restrictive ordinances or policies including those
22 prohibiting smoking altogether. This chapter does not supersede
23 any other law or ordinance that is more restrictive regarding
24 smoking.

26 **4. No public activities.** Nothing in this chapter prohibits
27 the location of a designated smoking area within a public area,
28 as long as no sales, services or other commercial or public
29 activities are conducted in that public area.

32 **§1543. Posting signs**

34 Signs must be posted conspicuously in buildings where
35 smoking is regulated by this chapter. Designated areas must have
36 signs that read "Smoking Permitted" with letters at least one
37 inch high. Places where smoking is prohibited must have signs
38 that read "No Smoking" with letters at least one inch high or the
39 international symbol for no smoking.

40 **§1544. Retaliation prohibited**

42 A person may not discharge, refuse to hire, discipline or
43 otherwise retaliate against an employee or applicant who pursues
44 any remedy available to enforce the requirements of this chapter.

46 **§1545. Penalty**

48 A person who violates any provision of this chapter commits
49 a civil violation for which on the first offense a warning may be
50 given and on subsequent offenses a forfeiture not to exceed \$100
51 may be adjudged.

