

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 496, L.D. 654, Bill, "An Act to Prohibit Smoking in Restaurants"

Amend the bill by inserting after the enacting clause the following:

'Sec. 1. 22 MRSA §1579-A, sub-§1, ¶A, as enacted by PL 1987, c. 191, is amended to read:

A. "Restaurant" means any enclosed indoor restaurant or other enclosed indoor establishment which that invites the public to be served food for consumption on the premises. "Restaurant" does not include a tavern or lounge.

Sec. 2. 22 MRSA §1579-A, sub-§1, ¶C is enacted to read:

C. "Tavern" or "lounge" means an establishment or a room in a restaurant, hotel or motel completely enclosed with floor-to-ceiling walls and doors with a primary purpose of serving alcoholic beverages. A tavern or lounge derives more than 50% of its revenue from alcohol sales and entertainment fees.'

Further amend the bill in section 1 in subsection 2 by adding at the end a new blocked paragraph to read:

'This subsection does not prohibit smoking in an enclosed room of a restaurant when that room is used for a private function.'

Further amend the bill by renumbering the sections to read consecutively.

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

**FISCAL NOTE**

The Department of Human Services will experience minor savings as a result of no longer having to calculate the number of nonsmoking seats in restaurants as part of the inspection process.

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenues by a minor amount.'

**STATEMENT OF FACT**

This amendment is the majority report of the committee. It clarifies that physically separate lounges that derive more than 1/2 of their revenue from alcohol sales and entertainment fees are not restaurants and are not, therefore, subject to the smoking prohibition.

The amendment also allows smoking in an enclosed room of a restaurant when that room is used for a private function.

The amendment also adds a fiscal note to the bill.

Reported by the Majority of the Committee on Human Resources  
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