

# MAINE STATE LEGISLATURE

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REPORT

L.D. 413

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DATE: May 8, 1997

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**HEALTH AND HUMAN SERVICES**

Reported by: Report C

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**STATE OF MAINE  
SENATE  
118TH LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "B" to S.P. 134, L.D. 413, Bill, "An Act to Ban All Smoking within Workplaces, Restaurants and Public Accommodations"

Amend the bill by striking out the title and substituting the following:

**'An Act to Restrict Smoking in Public Places'**

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 22 MRSA §1542, sub-§2, ¶G, as enacted by PL 1993, c. 342, §1 and affected by §9, is amended to read:

G. Smoking is not prohibited in the no-smoking areas of taverns or lounges, which must be so designated by the management of the tavern or lounge. No-smoking areas designated by management must be reasonably calculated to meet the needs of the nonsmoking public. The department shall adopt rules to define "reasonably calculated." Rules adopted pursuant to this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

Sec. 2. 26 MRSA §597, as enacted by PL 1991, c. 366, is repealed and the following enacted in its place:

**§597. Conditions of employment**

Employers are subject to the following requirements.



**SUMMARY**

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This amendment replaces the bill. It requires lounges and taverns to establish no-smoking areas similar to the current no-smoking areas in restaurants. It allows wait staff in restaurants with smoking and no-smoking areas to have a choice of working in no-smoking or smoking areas. It requires a report from the Commissioner of Human Services by January 1, 1998 on the standard used in no-smoking areas of restaurants, "reasonably calculated to meet the needs of the nonsmoking public." It also adds a fiscal note to the bill.