MAINE STATE LEGISLATURE

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		L.D. 413
2	DATE: May 8, 1997	(Filing No. S-199)
4		
6	HEALTH AND	HUMAN SERVICES
8	Reported by: Report C	
10	Reproduced and distributed un	der the direction of the Secretary
12		E OF MAINE
14	S	ENATE LEGISLATURE
16		ECIAL SESSION
18	COMMITTEE AMENDMENT "B '	to S.P. 134, L.D. 413, Bill, "Ar
20		Workplaces, Restaurants and Public
22		
24	the following:	ing out the title and substituting
26	'An Act to Restrict Smoking in	Public Places'
28		y striking out everything after the s summary and inserting in its place
		h 92 mC
32	342, §1 and affected by §9, is	ib-$\S2$, \PG, as enacted by PL 1993, c. amended to read:
34	G. Smoking is net prob	aibited in <u>the no-smoking areas of</u>
36	taverns or lounges, whi	ch must be so designated by the ern or lounge. No-smoking areas
38	designated by management	must be reasonably calculated to
40	shall adopt rules to def	nonsmoking public. The department ine "reasonably calculated." Rules
42		s paragraph are routine technical 5, chapter 375, subchapter II-A.
44		s enacted by PL 1991, c. 366, is
46	repealed and the following ena	
48	§597. Conditions of employment	

Page 1-LR1968(3)

Employers are subject to the following requirements.

2	1. Employee use of tobacco products. An employer or an
	agent of an employer may not require, as a condition of
4	employment, that any employee or prospective employee refrain
	from using tobacco products outside the course of that employment
6	or otherwise discriminate against any person with respect to the
	person's compensation, terms, conditions or privileges of
8	employment for using tobacco products outside the course of
	employment as long as the employee complies with any workplace
10	policy concerning use of tobacco.
12	2. Employees who are wait staff employees. An employer or
	an agent of an employer shall offer to all wait staff employees
14	in restaurants in which there are smoking and no-smoking areas

2. Employees who are wait staff employees. An employer or an agent of an employer shall offer to all wait staff employees in restaurants in which there are smoking and no-smoking areas the option to work in either area of the restaurant. The employer or agent of the employer may not retaliate against any wait staff employee on the basis of the choice of a smoking or a no-smoking area.

Sec. 3. Report. The Commissioner of Human Services shall study the standard used in no-smoking areas of restaurants, "reasonably calculated to meet the needs of the nonsmoking public." The commissioner shall review the laws in other states and the experience and laws in this State. By January 1, 1998, the commissioner shall submit to the Joint Standing Committee on Health and Human Services a report and any necessary implementing legislation required to clarify and strengthen the rules of the Department of Human Services and to accommodate the needs of the public while allowing flexibility for the needs of the restaurant industry.'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

The Department of Human Services will incur some minor additional costs to adopt rules concerning designated smoking areas in taverns and lounges and to report on the standard used in nonsmoking areas of restaurants. These costs can be absorbed within the department's existing budgeted resources.

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 revenue by minor amounts.'

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.

Page 3-LR1968(3)