



118th MAINE LEGISLATURE

FIRST SPECIAL SESSION-1997

Legislative Document

No. 1703

H.P. 1203

House of Representatives, April 1, 1997

An Act to Prohibit Smoking in Restaurants.

Reference to the Committee on Health and Human Services suggested and ordered printed.

JOSEPH W. MAYO, Clerk

Presented by Representative ETNIER of Harpswell. Cosponsored by Senator MILLS of Somerset and Representatives: MITCHELL of Portland, QUINT of Portland, ROWE of Portland, TOWNSEND of Portland, Senators: ABROMSON of Cumberland, NUTTING of Androscoggin.

Be it enacted by the People of the State of Maine as follows:

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Sec. 1. 22 MRSA §1541, sub-§4, as enacted by PL 1993, c. 342, §1 and affected by §9, is amended to read:

 4. Public place. "Public place" means any place, including a restaurant, not open to the sky into which the public is invited or allowed. Except as provided in section 1542, subsection 2, paragraph J, a private residence is not a public
place.

Sec. 2. 22 MRSA §1541, sub-§5, as enacted by PL 1993, c. 342, §1 and affected by §9, is repealed and the following enacted in its place:

16 5. Restaurant. "Restaurant" means any enclosed indoor restaurant or other enclosed establishment that invites the public to be served food for consumption on the premises. "Restaurant" does not include a Class A lounge as defined in 20 Title 28-A, section 2, subsection 15, paragraph L or a separate, enclosed area of a restaurant that is used primarily for the 22 service of alcoholic beverages.

Sec. 3. 22 MRSA §1542, sub-§2, ¶D, as enacted by PL 1993, c. 342, §1 and affected by §9, is repealed.

Sec. 4. 22 MRSA §1579-A, as amended by PL 1989, c. 451, §§1 and 2, is repealed.

SUMMARY

This bill includes a restaurant in the definition of "public 34 place" where smoking is prohibited. Smoking continues to be permitted in a Class A lounge or in a separate, enclosed area of 36 a restaurant that is used primarily for the service of alcoholic beverages.

Page 1-LR0936(1)