

# MAINE STATE LEGISLATURE

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A. 013

L.D. 1346

DATE: 6-2-03

(Filing No. S-249)

HEALTH AND HUMAN SERVICES

Reported by: Majority

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STATE OF MAINE  
SENATE  
121ST LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 437, L.D. 1346, Bill, "An Act To Protect Workers from Secondhand Smoke and To Promote Worker Safety"

Amend the bill by inserting after section 4 the following:

'Sec. 5. 22 MRSA §1542, sub-§2, ¶N is enacted to read:

N. Smoking is not prohibited in designated smoking areas in an off-track betting facility or simulcast racing facility at a commercial track, if that facility is licensed pursuant to Title 8, chapter 11 and in operation on June 30, 2003, as long as:

(1) No sales or services are provided in the designated smoking area, except that television equipment and stand-alone betting terminals or other means of placing wagers may be provided;

(2) No employees work in or are required to pass through the designated smoking area;

(3) Members of the public, except for those who choose to be present in the designated smoking area, are not required to utilize or pass through the designated smoking area for any purpose; and

(4) No one under 18 years of age is permitted in the designated smoking area.'

COMMITTEE AMENDMENT

R. 01/3

COMMITTEE AMENDMENT "A" to S.P. 437, L.D. 1346

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Further amend the bill by striking out all of section 10 and inserting in its place the following:

'Sec. 10. 28-A MRSA §1063-B, sub-§§2 and 3, as enacted by PL 1999, c. 760, §4, are repealed.'

Further amend the bill by inserting after section 11 the following:

'Sec. 12. Transfer. Notwithstanding any other provision of law, the State Controller shall transfer \$243,750 from the Fund for a Healthy Maine Other Special Revenue Funds account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund no later than June 30, 2004.

Sec. 13. Effective date. This Act takes effect January 1, 2004.'

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment is the majority report of the committee. It allows smoking in designated smoking areas in off-track betting facilities and simulcast racing facilities at commercial tracks if no sales or services are provided there except those necessary for watching a race and placing wagers; no employees are required to pass through the area; members of the public, except for those who choose to utilize the designated smoking area, are not required to utilize or pass through the area; and minors are not permitted in the area. The amendment transfers funds from the Fund for a Healthy Maine to the General Fund to cover potential losses from changes in liquor license categories. This amendment provides an effective date of January 1, 2004.

**FISCAL NOTE REQUIRED**  
(See attached)

**COMMITTEE AMENDMENT**

**121st Maine Legislature  
Office of Fiscal and Program Review**

**LD 1346**

**An Act To Protect Workers from Secondhand Smoke and To Promote  
Worker Safety**

LR 0822(02)

**Fiscal Note for Bill as Amended by Committee Amendment "A" S-249**

**Committee: Human Services**

**Fiscal Note Required: Yes**

**Fiscal Note**

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
<b>Net Cost (Savings)</b>				
General Fund	(\$195,000)	\$65,000	\$65,000	\$65,000
Fund for a Healthy Maine	\$243,750	\$0	\$0	\$0
<b>Revenue</b>				
General Fund	(\$48,750)	(\$65,000)	(\$65,000)	(\$65,000)
<b>Transfers</b>				
General Fund	\$243,750	\$0	\$0	\$0
Fund for a Healthy Maine	(\$243,750)	\$0	\$0	\$0

**Correctional and Judicial Impact Statements**

May increase civil violations

**Fiscal Detail and Notes**

Eliminating certain exemptions from the prohibition on smoking in public places is likely to result in a change of license status for a number of establishments, thus resulting in a loss of licensing revenue collected for the General Fund. The Department of Public Safety estimates General Fund revenue losses of \$48,750 in fiscal year 2003-04 and \$65,000 for each fiscal year thereafter. The bill also transfers \$243,750 in Fund for a Healthy Maine (FHM) balances resulting from disencumbered Bureau of Health FHM allocations that will lapse back to the FHM in state fiscal year 2003-03, to the General Fund in 2003-04.