

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1346

S.P. 437

In Senate, March 12, 2003

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

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator TURNER of Cumberland.
Cosponsored by Representative DUPLESSIE of Westbrook and
Senators: BRENNAN of Cumberland, MAYO of Sagadahoc, WESTON of Waldo,
Representatives: KANE of Saco, LEWIN of Eliot, MILLS of Cornville, RICHARDSON of
Brunswick, SIMPSON of Auburn.

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

2
4 **Sec. 1. 8 MRSA §275-D, sub-§1**, as amended by PL 1999, c. 421, §1, is further amended to read:

6 **1. Off-track betting on simulcast racing.** A person may
8 conduct pari-mutuel wagering at an off-track betting facility
10 that is licensed under this section, if the person is licensed to
12 operate a hotel, as defined in Title 28-A, section 2, subsection
14 15, paragraph H, with public dining facilities, a Class A
16 restaurant, as defined in Title 28-A, section 2, subsection 15,
18 paragraph R, or a Class A restaurant/lounge, as defined in Title
20 28-A, section 2, subsection 15, paragraph R-1, ~~or an off-track
22 betting facility as defined in Title 28-A, section 2, subsection
24 15, paragraph R-2.~~

16 **Sec. 2. 22 MRSA §1541, sub-§4**, as amended by PL 1999, c. 54,
18 §1, is further amended to read:

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

26 **Sec. 3. 22 MRSA §1541, sub-§5**, as repealed and replaced by PL
28 1999, c. 54, §2, is repealed.

30 **Sec. 4. 22 MRSA §1542, sub-§2, ¶G**, as enacted by PL 1993, c.
32 342, §1 and affected by §9, is repealed.

34 **Sec. 5. 22 MRSA §1542, sub-§3**, as enacted by PL 1993, c. 342,
36 §1 and affected by §9, is repealed.

38 **Sec. 6. 28-A MRSA §2, sub-§15, ¶¶R-2 and R-3**, as enacted by PL
40 1999, §421, §3, are repealed.

42 **Sec. 7. 28-A MRSA §1011-A, sub-§3**, as amended by PL 1999, c.
44 421, §§4 and 5, is further amended to read:

46 **3. Eligible premises.** The following premises are eligible
48 for a Class XI license:

44 A. Class A restaurant/lounge ~~and~~.

46 B. ~~Off-track betting facilities.~~

48 **Sec. 8. 28-A MRSA §1051, sub-§2**, as amended by PL 1999, c.
421, §6, is further amended to read:

2 **2. Local approval of application for license.** ~~Except for~~
licenses--issued--pursuant--to--section--1063-A,--the The initial
4 application for the license must first be approved under section
6 653 by the municipal officers of the municipality in which the
applicant's premises are located or, if the premises are located
8 in an unincorporated place, the application must be approved by
the county commissioners of the county within which the
unincorporated place is located.

10 **Sec. 9. 28-A MRSA §1063-A**, as enacted by PL 1999, c. 421,
12 §7, is repealed.

14 **Sec. 10. 28-A MRSA §1063-B, sub-§2**, as enacted by PL 1999, c.
16 760, §4, is repealed.

18 **Sec. 11. 28-A MRSA §1065, sub-§4**, as amended by PL 1999, c.
568, §2, is further amended to read:

20 **4. Minors not allowed on premises.** Minors are not permitted
22 to remain on the premises except when:

24 A. The minor is accompanied by a parent, legal guardian or
custodian as defined in Title 22, section 4002; or

26 B. The licensee does not permit consumption of liquor on
28 the premises for a specific period of time or event; ~~or,~~

30 C. ~~Wagering on harness horse racing is being conducted in~~
32 ~~accordance with Title 8, chapter 11 and the minor is at~~
least 18 years of age.

34 SUMMARY

36 Under current law, smoking is banned in most types of
38 establishments where the public is invited or allowed; as a
result, individuals who work in those establishments are
40 protected from secondhand smoke. The purpose of this bill is to
extend that protection to employees who work in pool halls,
42 taverns and all lounges, including hotel lounges, off-track
betting lounges and restaurants with a Class A lounge license.
44 This bill eliminates those existing exemptions from the general
prohibition against smoking in public places and repeals the
46 provision in the public places law that permits public places to
have a designated smoking area as long as no sales, services or
other commercial or public activities are conducted in that area.