MAINE STATE LEGISLATURE

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	L.D. 1156	
2	DATE: 5/19/5 (Filing No. H-42	1,
4		•
6	HEALTH AND HUMAN SERVICES	
8		
10	Reproduced and distributed under the direction of the the House.	Clerk of
12		
14	STATE OF MAINE HOUSE OF REPRESENTATIVES 122ND LEGISLATURE	
16	FIRST SPECIAL SESSION	
18	COMMITTEE AMENDMENT 'A" to H.P. 799, L.D. 1156,	Bill, "An
20	Act To Protect Public Health by Clarifying the Laws Smoking in Public Places"	
22		
24	Amend the bill in section 1 by striking out subsection 2 (page 1, lines 11 to 16 in L.D.) and ins its place the following:	
26		1
28	'2. Enclosed area. "Enclosed area" means a space floor and a ceiling that is demarcated on all fleer-te-eeiling walls, windows, shutters, doors or passes.	sides by
30	Partitions, - partial - walls - or - office - dividers - that - do - n from - the - floor - to - the - ceiling - are - not - demarcations - of	
32	areas. A partition, partial wall or office divide	
34	demarcation of an enclosed area if it extends from the within 4 feet of the ceiling or from the ceiling to with	
26	of the floor.'	
36	Further amend the bill in section 4 by striking o	ut all of
38	paragraph J (page 1, lines 43 to 50 and page 2, lines L.D.) and inserting in its place the following:	
40		
4.5	'J. Smoking is not prohibited in a private resider	
42	the private residence is used as a day care or bal service, inwhichcase - those portionsofthe	
44	residence-used-to-care-for-children-and-adjacent-a	_
	which-smoke-could-enter-the-areas-used-to-care-for	ehildren
46	are-public-places-for-the-period-of-time-that-chi	-l dren -whe

Page 1-LR1133(2)

baby-sitting service, smoking is prohibited:

a day care or baby-sitting service;

COMMITTEE AMENDMENT

are-being-cared-for-are-present-in-that-portion-of-the

residence. If a private residence is used as a day care or

(1) In the residence, during the hours of operation as



COMMITTEE	AMENDMENT	.A.	to	н.р.	799,	L.D.	1156	-
COMMITTEE	AMENDMENT	·H:	to	H.P.	799,	L.D.	1156	-

(2) In outdoor areas on the property of that private

2	residence, wherever a child under care may be present;
	<u>and</u>
4	
	(3) During the facility's hours of operation, in a
6	motor vehicle owned or operated by the facility
	whenever a child under care is in the vehicle.'
8	•
	Further amend the bill in section 7 in that part designated
10	"§1545." by striking out all of the indented paragraph (page 2,
	lines 25 to 27 in L.D.) and inserting in its place the following:
12	
	'A person who violates any provision of this chapter commits
14	a civil violation for which a ferfeiture-not-to-exceed fine of
	\$100 may be adjudged, except that a fine of up to \$1,500 may be
16	adjudged for each violation of this chapter in cases when a
	person engages in a pattern of conduct that demonstrates a lack
18	of good faith in complying with this chapter.'
20	
22	SUMMARY
22	
	This amendment clarifies 2 sections of the bill and changes
24	the penalty structure proposed in the bill by reducing the
	proposed new maximum fine for violations of the smoking laws from
26	\$2,500 to \$1,500 and applying that maximum fine only in instances
	where there is a pattern of violations.
28	
30	
	EICCAL NOTE DECLUDED
32	FISCAL NOTE REQUIRED (See attached)
	(See attacheu)

Page 2-LR1133(2)



122nd MAINE LEGISLATURE

LD 1156

LR 1133(02)

An Act To Protect Public Health by Clarifying the Laws Regarding Smoking in Public Places

Fiscal Note for Bill as Amended by Committee Amendment 'A''
Committee: Health and Human Services
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

This bill may increase the number of civil suits filed in the court system.

The collection of additional filing fees and fines may increase General Fund revenue by minor amounts.