

MAINE STATE LEGISLATURE

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R. 015

L.D. 1186

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DATE: 5/25/5

(Filing No. H-528)

HEALTH AND HUMAN SERVICES

Municipality

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 815, L.D. 1186, Bill, "An Act To Clarify the Smoking Ban for Off-track Betting Facilities"

Amend the bill in section 1 by striking out all of paragraph N (page 1, lines 6 to 26 in L.D.) and inserting in its place the following:

'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, is purchased from the owner or purchaser of a facility licensed pursuant to Title 8, chapter 11 and in operation on June 30, 2003 or is moved to another location within the same municipality by the owner or purchaser of a facility 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

COMMITTEE AMENDMENT

REFS

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

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6 (5) The designated smoking area within the purchased or
relocated off-track betting facility or purchased or
relocated simulcast racing facility has a floor area no
larger than 2,000 square feet, except that any
designated smoking area larger than 2,000 square feet
and in existence on January 1, 2005 is exempt from this
subparagraph;

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14 (6) No slot machines are located within the off-track
betting or simulcast racing facility. For the purposes
of this subparagraph, an off-track betting facility or
a simulcast racing facility must be in a separately
enclosed area, whether stand-alone or within another
facility, that is accessible by either an interior or
exterior door; and

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22 (7) The designated smoking area is located entirely
within a separately enclosed area of an off-track
betting facility or simulcast racing facility and
proper signs are mounted to the exterior of the
designated smoking area indicating that use of that
area is for off-track betting and simulcast racing
patrons only.'

30 **SUMMARY**

32 This is the minority report of the Joint Standing Committee
on Health and Human Services.

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36 This amendment allows off-track betting facilities and
simulcast racing facilities that were in operation on June 30,
2003 to be purchased or moved to a new location within the same
38 municipality without losing their exemption from the laws
prohibiting smoking in public places. The amendment places
40 limits on the size of the smoking area in the newly purchased or
relocated off-track betting or simulcast racing facilities,
42 prohibits slot machines from those facilities and requires that
the off-track betting or simulcast racing facility be in a
44 separately enclosed area.