

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
122ND LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "F" to COMMITTEE AMENDMENT "A" to H.P. 1449, L.D. 2055, Bill, "An Act To Correct Errors and Inconsistencies in the Laws of Maine"

Amend the amendment by adding after Part E the following:

PART F

Sec. F-1. 22 MRSA §1580-A, sub-§7, as amended by PL 2005, c. 581, §2, is further amended to read:

7. Application. This section does not apply to a business facility that is a veterans' service organization chartered under 36 United States Code, Subtitle II, Part B (2004) that is not open to the public or to any other club that was not open to the public and that was in operation prior to January 1, 2004, if policies concerning smoking have been mutually agreed upon by the employer and all the employees and the veterans' service organization or the club:

A. Has written procedures ensuring that only the employer and employees, members and invited guests accompanied by a member are allowed entry to the premises; and

B. Demonstrates by a written secret ballot vote taken at least once every 3 years that a majority of the members have voted to allow smoking. The date of the vote must be announced to all members at least 14 days prior to the vote. All ballots cast in the vote must be kept on file for at least 3 years and made available to the Bureau of Health upon request.

This subsection is repealed August ~~September~~ 1, 2008.

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2           **Sec. F-2. 22 MRSA §1580-A, sub-§9**, as enacted by PL 2005, c.  
3 581, §3, is further amended to read:

4  
5           **9. Exception.** Beginning ~~August~~ September 1, 2006, and  
6 notwithstanding any provision to the contrary in this section, a  
7 qualifying club may allow smoking in its business facility in  
8 accordance with the following provisions.

10           A. Policies concerning smoking must have been mutually  
11 agreed upon by the employer and all the employees.

12           B. The qualifying club must have met the requirements of  
13 this paragraph.

14                   (1) The qualifying club must have written policies  
15 allowing onto the premises only the employer and  
16 employees, members and invited guests accompanied by a  
17 member.

18                   (2) A vote in favor of smoking has been conducted  
19 according to the following provisions:

20                           (a) The qualifying club must provide all members  
21 notice of the date of the vote at least 30 days  
22 prior to the vote and an opportunity for an  
23 absentee ballot. Information designed to  
24 influence the vote of the member may not be  
25 provided with the notice and the absentee ballot;

26                           (b) Members may not be subjected to undue  
27 influence regarding the vote;

28                           (c) A majority of all valid ballots received must  
29 be in favor of smoking; and

30                           (d) The ballot and procedures for voting and  
31 making available, collecting and counting absentee  
32 ballots must meet the requirements established by  
33 rule adopted by the Maine Center for Disease  
34 Control and Prevention.

35                   (3) The qualifying club must have provided written  
36 notice to the Maine Center for Disease Control and  
37 Prevention of the results of the vote within 30 days of  
38 the vote.

39           C. The qualifying club may allow smoking under authority of  
40 this subsection for no longer than 3 years from the date of  
41 the vote.

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2 D. The qualifying club may revoke under this subsection at  
any time.

4 E. The qualifying club must have retained all ballots for  
6 at least 3 years and make them available to the Maine Center  
for Disease Control and Prevention upon request.

8 F. The Maine Center for Disease Control and Prevention  
10 shall adopt rules to implement this subsection. Rules  
adopted pursuant to this subparagraph are major substantive  
12 rules as defined in Title 5, chapter 375, subchapter 2-A.

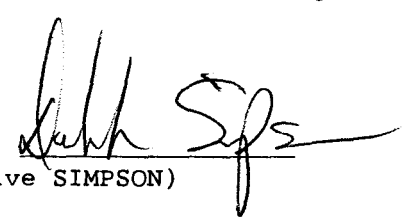
14 **Sec. F-3. PL 2005, c. 581, §4** is amended to read:

16 **Sec. 4. Transition.** The provisions of the Maine Revised  
Statutes, Title 22, section 1580-A, subsection 9 apply to all  
18 votes to allow smoking in a qualifying club as defined in section  
1580-A, subsection 2, paragraph C-2, except that a qualifying  
20 club that held a vote in favor of smoking under authority of  
Title 22, section 1580-A, subsection 7 between July 1, 2005 and  
22 ~~August~~ September 1, 2006 may allow smoking under authority of  
that vote until ~~August~~ September 1, 2008.'

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

30 **SUMMARY**

32 This amendment changes the date for the new voting procedure  
for smoking in private clubs from August 1, 2006 to September 1,  
34 2006 and makes the same change in the transition section. It  
also changes the duration of the vote's authority to September 1,  
36 2008. This amendment is needed because of the delayed  
adjournment of the Second Regular Session of the 122nd  
38 Legislature.

40  
42 SPONSORED BY:   
(Representative SIMPSON)

44 TOWN: Auburn

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