

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

MS
ROS

Date: 4/21/9

(Filing No. H-132)

HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 556, L.D. 820, Bill, "An Act To Limit Smoking in Outdoor Dining Areas"

Amend the bill by striking out the title and substituting the following:

'An Act To Prohibit Smoking in Outdoor Eating Areas'

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 22 MRSA §1542, sub-§1, as amended by PL 2005, c. 257, §2, is further amended to read:

1. **Prohibition.** Smoking is prohibited in all enclosed areas of public places, outdoor eating areas as provided in section 1550 and all rest rooms made available to the public. In the case of a child care facility that is not home-based, smoking is also prohibited in a facility-designated motor vehicle within 12 hours before transporting a child who is in the care of the child care facility, and whenever such a child is present in the vehicle. Smoking is also prohibited in outdoor areas of the facility where children may be present.

Sec. 2. 22 MRSA §1550 is enacted to read:

§1550. Smoking in outdoor eating areas

1. **Definition.** As used in this section, "outdoor eating area" means a patio, deck or other property that is partially enclosed or open to the sky that is permitted for outdoor eating or drinking under the control of an eating establishment, as defined in section 2491, subsection 7, as long as food or drink is served by the eating establishment to the public for consumption on the premises.

2. **Smoking prohibited.** Smoking is prohibited in an outdoor eating area if the outdoor eating area or any portion thereof is open and available for dining and beverage service.

3. **Notification; request for compliance.** An eating establishment with an outdoor eating area shall post signs in accordance with section 1543, notify its patrons of the

COMMITTEE AMENDMENT

1 prohibition on smoking in outdoor eating areas and request that all persons within an
2 outdoor eating area comply with this section.

3

SUMMARY

4

This amendment replaces the bill and changes the title. It prohibits smoking in
5 outdoor eating areas of eating establishments without the time limit proposed in the bill
6 and removes the penalty. It requires eating establishments to notify their patrons of the
7 prohibition on smoking and to request that persons in the outdoor eating area comply with
8 the law.

FISCAL NOTE REQUIRED

(See attached)



124th MAINE LEGISLATURE

LD 820

LR 1515(02)

An Act To Limit Smoking in Outdoor Dining Areas

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

Establishes new civil violations.

The collection of additional fines may also increase General Fund revenue by minor amounts.