

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 820

H.P. 556

House of Representatives, March 3, 2009

An Act To Limit Smoking in Outdoor Dining Areas

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative COHEN of Portland.
Cosponsored by Senator CRAVEN of Androscoggin and
Representatives: BERRY of Bowdoinham, KNIGHT of Livermore Falls, MILLER of
Somerville, PERRY of Calais, Speaker PINGREE of North Haven, STRANG BURGESS of
Cumberland, Senators: MILLS of Somerset, PERRY of Penobscot.

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

2 **Sec. 1. 22 MRSA §1550** is enacted to read:

3 **§1550. Smoking in outdoor eating areas**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 **A. "Outdoor eating area"** includes patios, decks, property permitted for outdoor
7 dining and other outdoor areas under the control of a restaurant, tavern or lounge for
8 the use of its patrons.

9 **B. "Restaurant"** means an establishment that invites the public to be served food and
10 beverages on the premises.

11 **2. Prohibition.** Smoking is prohibited in an outdoor eating area until 10:00 p.m. if
12 the outdoor eating area, or any portion thereof, is open and available for dining and
13 beverage service.

14 **3. Notification; request for compliance.** A restaurant, tavern or lounge with an
15 outdoor eating area shall notify its customers of the prohibition on smoking in outdoor
16 eating areas and shall request customer compliance with this section.

17 **4. Penalty.** Notwithstanding section 1545, penalties for violations of this section are
18 as set out in this subsection.

19 **A.** A law enforcement officer shall give an oral warning to a patron of a restaurant,
20 tavern or lounge who is in violation of this section.

21 **B.** If, after receiving an oral warning pursuant to paragraph A, the patron of the
22 restaurant, tavern or lounge fails to comply with this section, a fine of \$100 may be
23 adjudged, except that a fine of up to \$1,500 may be adjudged for each violation of
24 this chapter in cases when a person engages in a pattern of conduct that demonstrates
25 a lack of good faith in complying with this chapter.

26 **SUMMARY**

27 This bill prohibits smoking in outdoor eating areas until 10:00 p.m.