

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 416

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H.P. 325

House of Representatives, January 29, 2019

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**An Act To Allow Eating Establishments To Permit Smoking  
Tobacco in Designated Outdoor Eating Areas**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative ANDREWS of Paris.  
Cosponsored by Senator TIMBERLAKE of Androscoggin and  
Representatives: DOLLOFF of Rumford, FAULKINGHAM of Winter Harbor, FECTION of  
Augusta, GRIGNON of Athens, HARRINGTON of Sanford, STROM of Pittsfield,  
WADSWORTH of Hiram.

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

2 **Sec. 1. 22 MRSA §1542, sub-§2, ¶O** is enacted to read:

3 O. Smoking tobacco is not prohibited in a designated outdoor eating area under  
4 section 1550, subsection 4.

5 **Sec. 2. 22 MRSA §1550, sub-§2**, as enacted by PL 2009, c. 140, §2, is amended  
6 to read:

7 **2. Smoking prohibited.** ~~Smoking~~ Except for a designated outdoor eating area under  
8 subsection 4, smoking is prohibited in an outdoor eating area if the outdoor eating area or  
9 any portion thereof is open and available for dining and beverage service.

10 **Sec. 3. 22 MRSA §1550, sub-§4** is enacted to read:

11 **4. Smoking permitted.** An eating establishment may permit smoking tobacco in a  
12 designated outdoor eating area if no one under 21 years of age is permitted in the  
13 designated outdoor eating area.

14 **SUMMARY**

15 This bill allows an eating establishment to permit smoking tobacco in a designated  
16 outdoor eating area if no one under 21 years of age is allowed in the designated outdoor  
17 eating area.