

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

**State Board of Licensure
for Professional Surveyors**

Personal Services \$3,000 \$3,000

**State Board of Funeral
Service**

Personal Services \$900 \$900

**DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION**

TOTAL \$70,700 \$74,200

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 23, 1989.

CHAPTER 451

H.P. 966 - L.D. 1344

**An Act to Strengthen Maine's
Restaurant Smoking Law**

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

Sec. 1. 22 MRSA §1579-A, sub-§§2 and 3, as enacted by PL 1987, c. 191, are amended to read:

2. Restaurants. Smoking in restaurants shall be governed by the following policies.

A. Restaurants shall provide for their patrons a ~~no smoking~~ no-smoking area reasonably calculated to address the needs of the nonsmoking public. The department shall, by rule, adopted under the Maine Administrative Procedure Act, Title 5, chapter 375, define "reasonably calculated." The rule, accompanied by a description of the department's experience in enforcing the rule, shall be submitted to the joint standing committee of the Legislature having jurisdiction over human resource matters by January 1, 1991, for review.

B. Restaurants shall display prominently, at or near the entrance, a sign indicating ~~its~~ their policy on seating smokers and nonsmokers and shall encourage ~~patrons~~ customers to make their seating requests known. A sign need not be displayed if a host or hostess seats ~~patrons~~ customers and indicates verbally at the time of seating the restaurant's policy and the location of the smoking and no-smoking areas in the restaurant.

C. Nothing in this subsection prohibits a restaurant from designating more than 50% of its indoor seating or all of its indoor seating as a no-smoking area.

3. Violations. Failure to post a sign or announce a policy, to provide a no-smoking area as required by subsection 2 or to establish, post or be responsible for implementation of a policy, comply with rules promulgated pursuant to subsection 2 is a civil violation for which a forfeiture of not more less than \$100 nor more than \$500 may be adjudged.

Sec. 2. 22 MRSA §1579-A, sub-§4 is enacted to read:

4. Licensure requirement. The Department of Human Services shall implement rules, pursuant to section 2496, that make the failure to provide for a no-smoking area under the provisions of subsection 2 a violation of the eating establishment licensure rules. Employees of the department inspecting restaurants pursuant to their authority under chapter 562 shall determine whether the restaurant is in compliance with and enforce this section.

See title page for effective date.

CHAPTER 452

H.P. 446 - L.D. 611

**An Act to Clarify Procedural Aspects of
the Forcible Entry and Detainer Law**

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

Sec. 1. 14 MRSA §6003, 2nd ¶, as enacted by PL 1981, c. 428, §5, is amended to read:

If either party in a forcible entry and detainer action requests a recorded hearing, the court shall schedule ~~it~~ and hold the hearing as soon as practicable, but no later than ~~7~~ 10 days after the return day. Any defendant requesting a recorded hearing shall ~~be prepared to~~ file a written answer enumerating all known defenses on or before the return day.

Sec. 2. 14 MRSA §6005, as amended by PL 1981, c. 428, §6, is further amended by adding after the first paragraph a new paragraph to read:

An additional writ of possession may be issued by the clerk at the request of the plaintiff after issuance of the first writ.

See title page for effective date.

CHAPTER 453

H.P. 1167 - L.D. 1621

**An Act to Ensure Notification and Participation by
the Public in Licensing and Relicensing of Hydro-
electric Dams and to Further Ensure the Equal
Consideration of Fisheries and Recreational Uses
in Licensing and Relicensing**