

Important changes to the “Worksite Smoking Act of 1985”

During the 122nd session of the Maine Legislature, LD 886, “An Act to Promote Parity in the Laws Governing Smoking in the Workplace,” passed as amended. The bill was signed by Governor Baldacci on June 8, 2005, as Public Law 2005, ch. 338, and is effective as of September 17, 2005.

The statute, 22 M.R.S.A., § 1580-A, will now require all workplaces be smoke free.

The only exceptions after September 17, 2005, are:

- a. Veterans’ Service Organizations chartered under 36 United States Code, Subtitle II, Part B (2004) that are not open to the public
- b. Any other Club¹ not open to the public that was in operation prior to January 1, 2004.

The exceptions are allowed in both cases only if ALL of the following criteria are met:

- Policies have been agreed upon by the employer, and all employees of the Veterans’ Service Organization or the Club
- The Veterans’ Service Organization or the Club has written procedures in place ensuring that only the employer, employees, members, and invited guests accompanied by a member are allowed entry
- The Veterans’ Service Organization or the Club *demonstrates by a written secret ballot vote taken at least once every three 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 three years and made available to the Bureau of Health upon request.*

Example: If a club has 100 members, a vote of 51 members is required to allow smoking if ALL employees, including contract workers and others that receive any compensation for work performed, have agreed to work in a club where smoking is permitted.

¹ “Club” means a reputable group of individuals, including a veterans’ service organization chartered under 36 United States Code, Subtitle II, Part B (2004), incorporated and operating in a bona fide manner solely for purposes of a recreational, social, patriotic or fraternal nature and not for pecuniary gain.



John Elias Baldacci, Governor
John H. Nicholas, Commissioner
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Healthy Maine Partnerships
Partnership For A Tobacco-Free Maine
Bureau of Health, Maine Department of Health and Human Services

Understanding the changes to the “Worksite Smoking Act of 1985”

*A guide for
veterans’ service organizations
and other social clubs*



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Bureau of Health, Maine Department of Health and Human Services

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How will the new law be enforced?

Any licensee, building owner, patron, club member, employee or other member of the public may report violations to the Bureau of Health, the Office of the Attorney General, or local law enforcement officials. When presented with evidence of a violation, the Office of the Attorney General and local District Attorneys can file complaints in District Court seeking fines, suspensions, and revocations and can ask the court to compel compliance with the law.

What are the penalties?

How can a complaint be filed?

The best way to make a complaint is online at www.tobaccofreemaine.org or by calling **1-800-560-5269**. Complaints will be forwarded to the proper enforcement authorities.

For more information, contact the Partnership For A Tobacco-Free Maine at 287-4627.

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What is secondhand smoke and what are the dangers of exposure?

Secondhand smoke is a mixture of the smoke coming off the end of a burning cigarette, cigar, or pipe and smoke exhaled by smokers.

- It contains over 4,000 chemicals, many of which are toxins, carcinogens, and/or respiratory irritants such as cyanide, ammonia, formaldehyde, arsenic, cadmium, benzene, and carbon monoxide.
- Secondhand smoke causes lung and nasal sinus cancer and coronary heart disease.
- Secondhand smoke harms coronary circulation in non-smoking young adults after just 30 minutes of exposure.
- It also causes eye, nose, and throat irritation, and can trigger asthma attacks.
- In an eight-hour work shift, nonsmoking bar employees may inhale secondhand smoke that is equal to smoking 16 cigarettes a day.
- Bartenders who work in smoky workplaces have higher rates of lung cancer than firefighters, miners, duct workers, and dry cleaners.

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What can I do to make the transition easier if my social club decides not to proceed with a vote and will need to become smoke free immediately?

- Provide a copy of this brochure to each of your employees. Make sure they understand the new law and let them know that you expect their cooperation and assistance.
- Get rid of all ashtrays. Most people understand that if there are no ashtrays, there is no smoking.
- Inform all of your club members ahead of time about the new law and state clearly when it will take effect. You might choose to do this as part of a meeting, by posting it in your club, or by a mailing that you do for members or in your club newsletter.
- When the law goes into effect, post the required "No Smoking" signs in several visible places, including at all entrances, to let patrons know about the law. For additional signs, call 287-4627.
- Expect a few mistakes early on. Until the social club's membership becomes aware of the new law, there may be instances where a member is unaware of the new law or is unhappy about it. The enclosed "No Smoking" cards may help in this situation. Simply hand one to anyone who is ready to light up. In most cases that will solve any potential problem.
- Consider ways that you might make it easier for your patrons to smoke outside.
- Provide an outdoor receptacle for cigarette butts. This will send the message that smoking must be done outdoors. It will also help control litter.