

## How is the Maine Smoking Act of 1985 enforced?

Any employee, building owner, or member of the public may report violations to the Maine Center for Disease Control and Prevention, 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 ranging from \$100–\$1,500.

The Attorney General can also ask the District or Superior Court to compel compliance with the law. Reports of violations are also forwarded to other licensing and certifying agencies for possible administrative action.

## How can a complaint be filed?

The best way to make a complaint is online at [www.tobaccofreemaine.org](http://www.tobaccofreemaine.org) or by calling 1-800-560-5269. Complaints will be forwarded to the proper enforcement authorities. Complaints can be filed anonymously, however, by standing behind your complaint by submitting your name and contact information, more effective action can be taken to enforce Maine law.

For more information, contact the Partnership For A Tobacco-Free Maine at 287-4627 or [www.tobaccofreemaine.org](http://www.tobaccofreemaine.org)

## Remember . . .

“The scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke.”

*The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General.* Atlanta, GA: U.S. DHHS CDC Office on Smoking or Health 2006.



Maine Center for Disease  
Control and Prevention  
An Office of the  
Department of Health and Human Services

John E. Baldacci, Governor

Brenda M. Harvey, Commissioner

Printed under appropriation #014-10A-9922-022

The Department of Health and Human Services (DHHS) does not discriminate on the basis of disability, race, color, creed, gender, age, sexual orientation, or national origin, in admission to, access to or operation of its programs, services, activities or its hiring or employment practices. This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 and in accordance with the Civil Rights Acts of 1964 as amended, Section 504 of the Rehabilitation Act of 1973 as amended, the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972 and the Maine Human Rights Act. Questions, concerns, complaints, or requests for additional information regarding civil rights may be forwarded to the DHHS' ADA Compliance/EEO Coordinator, State House Station #11, Augusta, Maine 04333, 207-287-4289 (V) or 207-287 3488 (V), TTY: 800-606-0215. Individuals who need auxiliary aids for effective communication in programs and services of DHHS are invited to make their needs and preferences known to the ADA Compliance/EEO Coordinator. This notice is available in alternate formats, upon request.

# A Guide For Maine Employers

**Every employer must establish, or may negotiate through the collective bargaining process, a written smoking policy that complies with Maine law.**

Breathe easy, you're in **Maine.**

EVERY EMPLOYER IN MAINE MUST, BY LAW:

- post the policy so that all employees can see it
- provide a copy to any employee who requests it
  - supervise the implementation of the policy

The Workplace Smoking Act of 1985 applies to all enclosed areas of business facilities in Maine where employees perform work and for which the employer is responsible.

## Exposure to secondhand smoke is dangerous.

- Secondhand smoke is the smoke released from the burning end of a cigarette and the smoke exhaled by the smoker.
- Exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer.
- Secondhand smoke causes premature death and disease in children and in adults who do not smoke.
- In 1992, the U.S. Environmental Protection Agency classified secondhand smoke as a Class A known human carcinogen (substance known to cause cancer).
- Many Maine workers are still exposed to secondhand smoke in their workplace.

**NOTE:** *A recent survey of a sample of small businesses in Maine with fewer than 50 employees concluded that while 93% of businesses were aware of the workplace smoking law only 65% had a written policy, and only 56% had no smoking signs.*

(Healthy Lifestyles Environmental Indicators Survey of Maine Small Businesses, Critical Insights, July 2009; commissioned as part of the overall Healthy Maine Partnerships Evaluation Plan.)

## Where in Maine workplaces is smoking prohibited?

Smoking is banned by law in all:

- enclosed areas where work is performed, as well as in all rest rooms, all meeting rooms, all lunch rooms and in all private offices.
- employer-owned and -leased vehicles used by employees and in employee-owned vehicles used in the course of work whenever other employees or another person is in the vehicle for work-related reasons.
- residential facilities licensed by DHHS when an employee is physically present to perform work there.

## May employers in Maine create stricter policies than the policies required by state law?

YES. Employers may decide to prohibit the use of all tobacco/nicotine containing products including smokeless tobacco, cigars, snus and/or electronic cigarettes.

Employers may also decide not to allow any smoking or any tobacco use anywhere on their entire property, including all outdoor areas.

## Under state law, can employers refuse to hire tobacco users?

NO, employers may not require, as a condition of employment, that employees or prospective employees refrain from tobacco use when they are not at work, or otherwise discriminate against employees who use tobacco outside of employment.

## Where can employers allow smoking?

Employers in Maine may only allow smoking outdoors, at least 20 ft. from entryways, vents, and doorways, and not in a location that allows smoke to circulate back into the building. (Public Law 2009, Ch. 300 and 22 M.R.S.A. § 1580-A.)

## Are there places in Maine where outdoor smoking is prohibited by law?

Yes, for example, smoking is prohibited in, on or within 20 feet of common areas, including beaches, playgrounds and public places including restrooms at Maine's State Parks and State Historic Sites. Smoking is also now prohibited in outdoor eating areas of bars, restaurants, and snack bars—at any eating establishment where food or drink is served to the public for consumption on the premises—24 hours a day, 365 days a year. (Public Law 2009, Ch. 140 and 22 M.R.S.A. §§ 1542 sub-§1 & 1550.)