

Maine Smoking Laws

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Overview

- General Maine Smoking Laws
- Exceptions

General Maine Smoking Laws

"Smoking" includes carrying or having in one's possession a lighted or heated cigarette, cigar or pipe or a lighted or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or in any form. "Smoking" includes the use of an electronic smoking device.

22 M.R.S. s. 1541(6)

General Maine Smoking Laws

Smoking is prohibited in all enclosed areas of public places, including bus shelters, in outdoor eating areas as provided in section 1550 and in all rest rooms made available to the public.

22 M.R.S. s. 1542(1)

General Maine Smoking Laws

Restaurants and Bars:

Smoking is prohibited in an outdoor eating area if the outdoor eating area or any portion thereof is open and available for dining and beverage service.

22 M.R.S. s. 1550(2)

General Maine Smoking Laws

Places of Employment:

An employer must:

1. Establish a written smoking policy that protects employees “from the detrimental effects of smoking by others”
2. Prohibit smoking indoors
3. Prevent “environmental tobacco smoke from circulating in enclosed areas and prohibit smoking outdoors except in designated smoking areas”
4. Post and implement the smoking policy

22 M.R.S. s 1580-A(3)

General Maine Smoking Laws

Places of Employment:

Public Smoking laws apply to “All areas of a business facility into which members of the public are invited or allowed”

22 M.R.S. s. 1580-A(3)(a)

Exceptions

- Hotel Rooms
- Businesses not open to the public
- Certain licensed gambling establishments
- Tobacco Specialty Stores
- Clubs

22 M.R.S. s 1542

Exceptions

Tobacco Specialty Stores

"Tobacco specialty store" means a retail business under 2,000 square feet in which at least 60% of the business's gross revenue for the last calendar year was derived from the sale of tobacco or tobacco-related products.

22 M.R.S. s 1541(7)

A person under 18 years of age is prohibited from entering a business licensed as a tobacco specialty store unless accompanied by a parent or legal guardian, regardless of whether smoking is allowed in that store.

22 M.R.S. s 1547

Exceptions

Tobacco Specialty Stores

Smoking is not prohibited in a tobacco specialty store. The on-premises service, preparation or consumption of food or drink, if the tobacco specialty store is not licensed for such service or consumption prior to January 1, 2007, is prohibited in such a store. Smoking a waterpipe or hookah is prohibited in a tobacco specialty store that is newly licensed or that requires a new license after January 1, 2007.

22 M.R.S. s 1542(1)(L)

Exceptions

Clubs

"Qualifying club" means a veterans' service organization chartered under 36 United States Code, Subtitle II, Part B (2004) that is not open to the public or any other club that was not open to the public and that was in operation prior to January 1, 2004.

22 M.R.S. s 1580-A

Exceptions

Clubs

A qualifying club may allow smoking if:

- Unanimous voting of employees initially, at time of new employee, within 30 days of complaint
- Majority vote of members at least every 3 years
- Detailed written smoking policy

10-144 C.M.R. ch. 250(8)

Maine Cannabis Use Laws

A person 21 years of age or older may consume cannabis or cannabis products only if that person is:

1. In a private residence, including curtilage; or
2. On private property, not generally accessible by the public, and the person is explicitly permitted to consume cannabis or cannabis products on the property by the owner of the property.

28-B M.R.S. §1501(2)(A)