



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1067

H.P. 802

House of Representatives, March 15, 2011

An Act To Improve Awareness of Smoking Policies in Maine Rental Housing and Condominiums

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative SANBORN of Gorham.
Cosponsored by Senator BLISS of Cumberland and
Representatives: CLARKE of Bath, FOSSEL of Alna, GRAHAM of North Yarmouth,
RANKIN of Hiram, ROCHELO of Biddeford, STRANG BURGESS of Cumberland,
STUCKEY of Portland, Senator: CRAVEN of Androscoggin.

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

2 **Sec. 1. 14 MRSA §6030-E** is enacted to read:

3 **§6030-E. Smoking policy**

4 **1. Definitions.** For the purposes of this section, unless the context otherwise
5 indicates, the following terms have the following meanings.

6 **A. "Smoking" means carrying or having in one's possession a lighted cigarette, cigar,**
7 **pipe or other object giving off tobacco smoke.**

8 **2. Smoking policy disclosure.** A landlord who or other person who on behalf of a
9 landlord enters into a lease or tenancy at will agreement for residential premises that are
10 used by a tenant or will be used by a potential tenant as a primary residence shall provide
11 to the tenant or potential tenant a smoking policy disclosure that notifies tenants or
12 potential tenants of the landlord's policy regarding smoking on the premises.

13 **3. Notification.** A landlord who or other person who on behalf of a landlord enters
14 into a lease or tenancy at will agreement for residential premises shall provide written
15 notice to a tenant or potential tenant regarding the allowance or prohibition of smoking on
16 the premises. The notice must state whether smoking is prohibited on the premises,
17 allowed on the entire premises or allowed in limited areas of the premises. If the landlord
18 allows smoking in limited areas on the premises, the notice must identify the areas on the
19 premises where smoking is allowed. A landlord who or other person who on behalf of a
20 landlord enters into a lease or tenancy at will agreement for residential premises shall, on
21 a form prescribed by the Department of Health and Human Services, Maine Center for
22 Disease Control and Prevention, notify a tenant or potential tenant of the smoking policy.
23 The disclosure form must include an acknowledgement that the tenant or potential tenant
24 has received the disclosure form required by this subsection. Before a tenant or potential
25 tenant enters into a contract or pays a deposit to rent or lease a property, the landlord or
26 other person who acts on behalf of a landlord shall provide the disclosure form to the
27 tenant or potential tenant, obtain the tenant's or potential tenant's signature on the
28 disclosure form and sign the disclosure form. The Maine Center for Disease Control and
29 Prevention shall post and maintain the disclosure form required by this subsection on a
30 publicly accessible website in a format that is easily downloaded.

31 **4. Penalty.** A person who violates this section commits a civil violation for which a
32 fine of not more than \$250 per violation may be assessed. This paragraph is enforceable
33 in either District Court or Superior Court.

34 **Sec. 2. 33 MRSA §1604-119** is enacted to read:

35 **§1604-119. Smoking policy**

36 **A declarant shall provide written notice to a purchaser of a unit regarding the**
37 **allowance or prohibition of smoking on the premises. The notice must state whether**
38 **smoking is prohibited on the premises, allowed on the entire premises or allowed in**
39 **limited areas on the premises. If the declarant allows smoking in limited areas on the**

1 premises, the notice must identify the areas on the premises where smoking is allowed. A
2 declarant entering into a sales agreement for real property shall, on a form prescribed by
3 the Department of Health and Human Services, Maine Center for Disease Control and
4 Prevention, notify a purchaser of the smoking policy. The disclosure form must be
5 signed by the declarant and the purchaser. The disclosure form must include an
6 acknowledgement that the purchaser has received the disclosure form required by this
7 section.

8 **Sec. 3. Rules.** The Department of Health and Human Services, Maine Center for
9 Disease Control and Prevention shall adopt rules to implement this Act. Rules adopted
10 pursuant to this section are routine technical rules as defined in the Maine Revised
11 Statutes, Title 5, chapter 375, subchapter 2-A.

12 SUMMARY

13 This bill establishes the duties of a landlord in disclosing the policy pertaining to
14 smoking on the premises to all tenants or potential tenants as well as purchasers of
15 condominiums. Disclosures must be in writing and signed by both parties.