

## **Government Operations Committee Agenda**

**Monday, June 20, 2016**

(Immediately following the Finance Committee)

City Council Chambers

### **AGENDA**

1. Referral, Council Ordinance 16-249: Amending Schedule III of Chapter 291, Article III Sec 39, of the Code of the City of Bangor, by Establishing a One Hour Parking Space at 634 Hammond Street.
  - Please see attached Council Action Page and proposed Ordinance Amendment. This item is returning to Committee following notification to abutting property owners providing them with an opportunity to comment.
2. Citizen Request to Discuss Enacting Smoking Restrictions in Public Places and Property including Parks, Playgrounds, and School Bus Waiting Areas
  - Please see the attached memorandum from Public Health and Community Services Director Hamilton and several state laws related to smoking.
3. Draft City Council Resolve Opposing Legalization of Retail (non-medical) Marijuana.
  - Please see attached draft Resolve.
4. Request to Restripe / Paint a Downtown Crosswalk
  - Please see the attached memorandum from Downtown Coordinator and Cultural Liaison Zeth Lundy.

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**COUNCIL ACTION**

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Item No. 16-249

**Date:** June 13, 2016

**Item/Subject:** **ORDINANCE**, Amending Schedule III of Chapter 291, Article III, Sec. 39 of the Code of the City of Bangor - One Hour Parking - 624 Hammond Street - Map-Lot 013-116

**Responsible Department:** Public Works

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**Commentary:** This Ordinance would create a one hour parking space between East and West Streets on the southerly side of Hammond Street.

A business owner at 624 Hammond Street has requested that the one hour parking space be established on the southerly side of Hammond Street in front of her establishment.

This item was recommended for approval at the Government Operations Committee meeting on May 16, 2016.

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Department Head

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**Manager's Comments:**

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City Manager

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**Associated Information:** Ordinance

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**Budget Approval:**

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Finance Director

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**Legal Approval:**

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City Solicitor

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**Introduced for**

Passage

First Reading

Referral to the Government Operations Committee on June 20, 2016

Assigned to Councilor Baldacci



# CITY OF BANGOR

**ORDINANCE**, Amending Schedule III of Chapter 291, Article III, Sec. 39 of the Code of the City of Bangor - One Hour Parking - 624 Hammond Street - Map-Lot 013-116

**WHEREAS**, some vehicles occupy available parking spaces near the business at 624 Hammond Street for long periods of time;

**WHEREAS**, creating a one hour parking space in front of the business will provide parking close to the business; and

**WHEREAS**, other potential means for dealing with this problem have been tried and have proven ineffective;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANGOR AS FOLLOWS, THAT:

Chapter 291, Schedule III of the Code of the City of Bangor is hereby amended as follows:

Schedule	Street	Parking Limitations Reference	Exact Location
...			
III	French	one hour	Thirty feet on the westerly side in front of number 218, as defined by signs
III	<u>Hammond</u>	<u>one hour</u>	<u>Commencing at a point 279 feet westerly of the westerly curbline of East Street and extending 20 feet to the west on the southerly side of Hammond Street as defined by signs</u>
...			

Additions are underlined, deletions ~~struck through~~.

To: Government Operations Committee

From: Patty Hamilton, Director of Public Health and Community Services

Subject: Smoking in Public Places

Date: June 16, 2017

Several months ago, Peter Hansen, a Bangor business owner reached out to the Public Health Department regarding the volume and extent of smoking in Bangor, particularly in parks and public spaces when children are present. He is understandably worried about the well documented health effects of second hand smoke and has his own child wait for the bus in the car to avoid exposure to second hand smoke. Mr. Hansen has also reached out to Council Chair Faircloth regarding these concerns and discussed in greater detail that parents and citizens are smoking at bus stops, playgrounds and other public places where children congregate and play. He is also concerned about the resulting litter of cigarette butts and has created a video illustrating this problem.

Mr. Hansen would like to do something about these issues. He has done a lot a research on the topic. He has spoken with the Public Health Advisory Board, the Parks and Recreation Department and the School Department in an effort to explore options. At this point, he has developed some proposals that he would like to share with the City Council, and staff felt that it was appropriate for him to meet with the Government Operations Committee to begin these discussions and to gauge Committee interest before proceeding.

Mr. Hansen has been notified next week's meeting and plans to attend to discuss these issues with the Committee.

**Maine Revised Statutes**  
**Title 22: HEALTH AND WELFARE**  
**Chapter 262: SMOKING HEADING: PL 1993, c. 342, §1 (new)**

**§1541. DEFINITIONS**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1993, c. 342, §1 (NEW); 1993, c. 342, §9 (AFF).]

**1. Designated smoking area.** "Designated smoking area" means an enclosed area designated as a place for smoking. A designated area must be designed to prevent smoke escaping from the designated area into a public place.

[ 2005, c. 257, §1 (AMD) .]

**1-A. Electronic smoking device.** "Electronic smoking device" means a device used to deliver nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the device, including, without limitation, a device manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so-called vape pen.

[ 2015, c. 318, §1 (NEW) .]

**2. Enclosed area.** "Enclosed area" means a space between a floor and a ceiling that is demarcated on all sides by walls, windows, shutters, doors or passageways. A partition, partial wall or office divider is a demarcation of an enclosed area if it extends from the floor to within 4 feet of the ceiling or from the ceiling to within 4 feet of the floor.

[ 2005, c. 257, §1 (AMD) .]

**3. Private office.**

[ 2005, c. 338, §1 (RP) .]

**4. Public place.** "Public place" means any place not open to the sky into which the public is invited or allowed. Except as provided in section 1542, subsection 2, paragraph J, a private residence is not a public place.

[ 2003, c. 493, §2 (AMD); 2003, c. 493, §14 (AFF) .]

**5. Restaurant.**

[ 2003, c. 493, §14 (AFF); 2003, c. 493, §3 (RP) .]

**6. Smoking.** "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.

[ 2015, c. 318, §2 (AMD) .]

**7. Tobacco specialty store.** "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.

[ 2005, c. 223, §1 (NEW) .]

**8. Waterpipe or hookah.** "Waterpipe" or "hookah" means a device used for smoking tobacco that consists of a tube connected to a container where the smoke is cooled by passing through water.

[ 2007, c. 180, §1 (NEW) .]

SECTION HISTORY

1993, c. 342, §1 (NEW). 1993, c. 342, §9 (AFF). 1999, c. 54, §§1, 2 (AMD). 2003, c. 493, §§2, 3 (AMD). 2003, c. 493, §14 (AFF). 2005, c. 223, §1 (AMD). 2005, c. 257, §1 (AMD). 2005, c. 338, §1 (AMD). 2007, c. 180, §1 (AMD). 2015, c. 318, §§1, 2 (AMD).

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**Maine Revised Statutes**  
**Title 22: HEALTH AND WELFARE**  
**Chapter 263: OFFENSES AGAINST PUBLIC HEALTH**

**§1580-A. SMOKING IN PLACES OF EMPLOYMENT**

**1. Title.** This law shall be known as the "Workplace Smoking Act of 1985."

[ 1985, c. 126, (NEW) .]

**2. Definitions.** As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Business facility" means a structurally enclosed location or portion thereof at which employees perform services for their employer. A business facility does not include any workplace or portion of a workplace that also serves as the employee's or employer's personal residence. A business facility is a place of employment. Notwithstanding this paragraph, a personal residence or unit or apartment in a residential facility is a business facility only during the period of time that an employee is physically present to perform work there. A residential facility, nursing home or a hospital is a business facility. [2009, c. 300, §4 (AMD) .]

A-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. [2005, c. 338, §3 (NEW) .]

A-2. "Designated smoking area" means an outdoor area where smoking is permitted, which must be at least 20 feet from entryways, vents and doorways. [2009, c. 300, §5 (NEW) .]

B. "Employee" means a person who performs a service for wages or other remuneration under a contract of hire, written or oral, expressed or implied. Employee includes a person employed by the State or a political subdivision of the State. [1985, c. 126, (NEW) .]

C. "Employer" means a person who has one or more employees. Employer includes an agent of an employer and the State or a political subdivision of the State. [1985, c. 126, (NEW) .]

C-1. "Member" means a person who, whether as a charter member or admitted in accordance with applicable bylaws, is a bona fide member of a club and who maintains membership in good standing by payment of dues in a bona fide manner in accordance with bylaws and whose name and address are entered on the list of members. A person who does not have full membership privileges may not be considered a bona fide member. [2005, c. 338, §3 (NEW) .]

C-2. "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. [2005, c. 581, §1 (NEW) .]

C-3. "Residential facility" means a facility with one or more residential units or apartments that is licensed by the Department of Health and Human Services. [2009, c. 300, §6 (NEW) .]

D. "Smoking" means carrying or having in one's possession a lighted cigarette, cigar, pipe or other object giving off or containing any substance giving off tobacco smoke. [1985, c. 126, (NEW) .]

[ 2009, c. 300, §§4-6 (AMD) .]

**3. Policy; notice.** Each employer shall establish, or may negotiate through the collective bargaining process, a written policy concerning smoking and nonsmoking by employees in that portion of any business facility for which the employer is responsible, subject to paragraph A. In order to protect the employer and

employees from the detrimental effects of smoking by others, the policy must prohibit smoking indoors subject to paragraph A, prevent environmental tobacco smoke from circulating into enclosed areas and prohibit smoking outdoors except in designated smoking areas. The policy may prohibit smoking throughout the business facility, including outdoor areas. The employer shall post and supervise the implementation of the policy. The employer shall provide a copy of this policy to any employee upon request. Nothing in this section may be construed to subject an employer to any additional liability, other than liability that may exist by law, for harm to an employee from smoking by others in any business facility covered by this section.

A. All areas of a business facility into which members of the public are invited or allowed are governed by the provisions of chapter 262. [2009, c. 300, §7 (NEW) .]

B. The Maine Center for Disease Control and Prevention shall accept inquiries from employers and employees and shall, when requested, assist employers in developing a policy. [2009, c. 300, §7 (NEW) .]

[ 2009, c. 300, §7 (RPR) .]

**4. Violations.** Any violation of this section is a civil violation for which a fine of not more than \$100 may be adjudged, except that a fine of not more than \$1,500 may be adjudged for each violation of this section in cases in which the employer has engaged in a pattern of conduct that demonstrates a lack of good faith in complying with the requirements of this section. The Bureau of Health has authority to enforce provisions of this section.

[ 2005, c. 338, §4 (AMD) .]

**4-A. Injunctive relief.** The Attorney General may bring an action to enforce this section in District Court or Superior Court and may seek injunctive relief, including a preliminary or final injunction and fines, penalties and equitable relief, and may seek to prevent or restrain violations of this section by any person.

[ 2005, c. 338, §5 (NEW) .]

**5. Civil remedies.** Nothing in the section may be construed as precluding any person from pursuing, in any court of competent jurisdiction, any civil remedy that person may have at law or in equity for harm occasioned to that person from smoking by others in any business facility covered by this section.

[ 1985, c. 126, (NEW) .]

**6. Discharge, discipline or discrimination against employees.** It is unlawful for any employer to discharge, discipline or otherwise discriminate against any of its employees because that employee has assisted in the supervision or enforcement of this section.

[ 1985, c. 126, (NEW) .]

#### **7. Application.**

[ 2005, c. 683, Pt. G, §1 (AMD); 2005, c. 683, Pt. G, §3 (AFF); T. 22, §1580-A, sub-§7 (RP) .]

**8. Effective date.** This section shall take effect January 1, 1986.

[ 1985, c. 126, (NEW) .]

**9. Exception.** Beginning September 1, 2006, and notwithstanding any provision to the contrary in this section, a qualifying club may allow smoking in its business facility in accordance with the following provisions.

A. Policies concerning smoking must have been mutually agreed upon by the employer and all the employees. [2005, c. 581, §3 (NEW); 2005, c. 683, Pt. G, §3 (AFF).]

B. The qualifying club must have met the requirements of this paragraph.

(1) The qualifying club must have written policies allowing onto the premises only the employer and employees, members and invited guests accompanied by a member.

(2) A vote in favor of smoking has been conducted according to the following provisions:

(a) The qualifying club must provide all members notice of the date of the vote at least 30 days prior to the vote and an opportunity for an absentee ballot. Information designed to influence the vote of the member may not be provided with the notice and the absentee ballot;

(b) Members may not be subjected to undue influence regarding the vote;

(c) A majority of all valid ballots received must be in favor of smoking; and

(d) The ballot and procedures for voting and making available, collecting and counting absentee ballots must meet the requirements established by rule adopted by the Maine Center for Disease Control and Prevention.

(3) The qualifying club must have provided written notice to the Maine Center for Disease Control and Prevention of the results of the vote within 30 days of the vote. [2005, c. 581, §3 (NEW); 2005, c. 683, Pt. G, §3 (AFF).]

C. The qualifying club may allow smoking under authority of this subsection for no longer than 3 years from the date of the vote. [2005, c. 581, §3 (NEW); 2005, c. 683, Pt. G, §3 (AFF).]

D. The qualifying club may revote under this subsection at any time. [2005, c. 581, §3 (NEW); 2005, c. 683, Pt. G, §3 (AFF).]

E. The qualifying club must have retained all ballots for at least 3 years and make them available to the Maine Center for Disease Control and Prevention upon request. [2005, c. 581, §3 (NEW); 2005, c. 683, Pt. G, §3 (AFF).]

F. The Maine Center for Disease Control and Prevention shall adopt rules to implement this subsection. Rules adopted pursuant to this subparagraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. [2005, c. 581, §3 (NEW); 2005, c. 683, Pt. G, §3 (AFF).]

[ 2005, c. 683, Pt. G, §2 (AMD); 2005, c. 683, Pt. G, §3 (AFF) .]

#### SECTION HISTORY

1985, c. 126, (NEW). 2005, c. 338, §§3-6 (AMD). 2005, c. 581, §§1-3 (AMD). 2005, c. 581, §4 (AFF). 2005, c. 683, §§G1,2 (AMD). 2005, c. 683, §G3 (AFF). 2009, c. 300, §§4-7 (AMD).

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**Maine Revised Statutes**  
**Title 22: HEALTH AND WELFARE**  
**Chapter 262: SMOKING HEADING: PL 1993, c. 342, §1 (new)**

**§1542. SMOKING PROHIBITED IN PUBLIC PLACES**

**1. Prohibition.** Smoking is prohibited in all enclosed areas of public places, outdoor eating areas as provided in section 1550 and all rest rooms made available to the public. In the case of a child care facility that is not home-based, smoking is also prohibited in a facility-designated motor vehicle within 12 hours before transporting a child who is in the care of the child care facility, and whenever such a child is present in the vehicle. Smoking is also prohibited in outdoor areas of the facility where children may be present.

[ 2009, c. 140, §1 (AMD) .]

**2. Limitations.** The prohibition in subsection 1 is subject to the following limitations.

A. Smoking is not prohibited in an enclosed area of a public place during a period of time that the facility containing the enclosed area of the public place is not open to the public. During its normal business hours, a public place must be closed for at least one hour to be considered "not open to the public." [2005, c. 257, §3 (AMD) .]

B. Smoking is not prohibited in theaters or other enclosed structures used for plays, lectures, recitals or other similar purposes if the smoking is solely by a performer and the smoking is part of the performance. [1993, c. 342, §1 (NEW); 1993, c. 342, §9 (AFF) .]

C. Smoking is not prohibited in any area where undertaken as part of a religious ceremony or as part of a cultural activity by a defined group. [1993, c. 342, §1 (NEW); 1993, c. 342, §9 (AFF) .]

D. [1999, c. 54, §3 (RP) .]

E. Smoking in places of employment is governed by the provisions of section 1580-A. If public employees' rights provided in collective bargaining agreements are affected by this section, the employees have the right to reopen negotiations for the purpose of bargaining for smoking areas in nonpublic areas of publicly owned buildings. [1993, c. 342, §1 (NEW); 1993, c. 342, §9 (AFF) .]

F. [2009, c. 300, §1 (RP) .]

G. [2003, c. 493, §14 (AFF); 2003, c. 493, §4 (RP) .]

H. Smoking is not prohibited in motel or hotel rooms that are rented to members of the public. [1993, c. 342, §1 (NEW); 1993, c. 342, §9 (AFF) .]

I. [2005, c. 338, §2 (RP) .]

J. Smoking is not prohibited in a private residence, subject to section 1580-A, unless the private residence is used as a day care or baby-sitting service. If a private residence is used as a day care or baby-sitting service, smoking is prohibited:

- (1) In the residence, during the hours of operation as a day care or baby-sitting service;
- (2) In outdoor areas on the property of that private residence, wherever a child under care may be present; and
- (3) During the facility's hours of operation, in a motor vehicle owned or operated by the facility whenever a child under care is in the vehicle. [2009, c. 300, §2 (AMD) .]

K. Smoking is not prohibited in public places when beano or bingo games are being conducted in accordance with the provisions of Title 17, section 314-A. [2003, c. 379, §1 (AMD) .]

L. 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. [2007, c. 180, §2 (AMD).]

M. [2005, c. 257, §5 (RP).]

N. Smoking is not prohibited in designated smoking areas in an off-track betting facility or simulcast racing facility at a commercial track, if that facility is licensed pursuant to Title 8, chapter 11 and in operation on June 30, 2003, is purchased from the owner or purchaser of a facility licensed pursuant to Title 8, chapter 11 and in operation on June 30, 2003 or is moved to another location within the same municipality by the owner or purchaser of a facility licensed pursuant to Title 8, chapter 11 and in operation on June 30, 2003, as long as:

- (1) No sales or services are provided in the designated smoking area, except that television equipment and stand-alone betting terminals or other means of placing wagers may be provided;
- (2) No employees work in or are required to pass through the designated smoking area;
- (3) Members of the public, except for those who choose to be present in the designated smoking area, are not required to utilize or pass through the designated smoking area for any purpose;
- (4) No one under 18 years of age is permitted in the designated smoking area;
- (5) The designated smoking area within the purchased or relocated off-track betting facility or purchased or relocated simulcast racing facility has a floor area no larger than 2,000 square feet, except that any designated smoking area larger than 2,000 square feet and in existence on January 1, 2005 is exempt from this subparagraph;
- (6) No slot machines are located within the off-track betting or simulcast racing facility. For the purposes of this subparagraph, an off-track betting facility or a simulcast racing facility must be in a separately enclosed area, whether stand-alone or within another facility, that is accessible by either an interior or exterior door; and
- (7) The designated smoking area is located entirely within a separately enclosed area of an off-track betting facility or simulcast racing facility and proper signs are mounted to the exterior of the designated smoking area indicating that use of that area is for off-track betting and simulcast racing patrons only. [2005, c. 362, §1 (AMD).]

[ 2009, c. 300, §§1, 2 (AMD) .]

### 3. Location of designated smoking area.

[ 2003, c. 493, §14 (AFF); 2003, c. 493, §6 (RP) .]

#### SECTION HISTORY

1993, c. 342, §1 (NEW). 1993, c. 342, §9 (AFF). 1997, c. 150, §1 (AMD). 1999, c. 54, §3 (AMD). 2003, c. 379, §1 (AMD). 2003, c. 493, §§4-6 (AMD). 2003, c. 493, §14 (AFF). 2005, c. 223, §2 (AMD). 2005, c. 257, §§2-5 (AMD). 2005, c. 338, §2 (AMD). 2005, c. 362, §1 (AMD). 2007, c. 180, §2 (AMD). 2009, c. 140, §1 (AMD). 2009, c. 300, §§1, 2 (AMD).

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**Maine Revised Statutes**  
**Title 22: HEALTH AND WELFARE**  
**Chapter 262: SMOKING HEADING: PL 1993, c. 342, §1 (new)**

**§1549. SMOKING IN VEHICLES WHEN MINOR UNDER 16 YEARS OF AGE IS PRESENT**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Motor vehicle" has the same meaning as in Title 29-A, section 101, subsection 42. [2007, c. 591, §1 (NEW); 2007, c. 591, §2 (AFF).]

B. "Smoking" means inhaling, exhaling, burning or carrying a lighted cigarette, cigar, pipe, weed, plant, regulated narcotic or other combustible substance. [2007, c. 591, §1 (NEW); 2007, c. 591, §2 (AFF).]

[ 2007, c. 591, §1 (NEW); 2007, c. 591, §2 (AFF) .]

**2. Prohibition.** Smoking is prohibited in a motor vehicle by the operator or a passenger when a person who has not attained 16 years of age is present in that motor vehicle, regardless of whether the motor vehicle's windows are open.

[ 2007, c. 591, §1 (NEW); 2007, c. 591, §2 (AFF) .]

**3. Prohibition on inspection or search.** A motor vehicle, the contents of the motor vehicle or the operator or a passenger in the motor vehicle may not be inspected or searched solely because of a violation of this section.

[ 2007, c. 591, §1 (NEW); 2007, c. 591, §2 (AFF) .]

**4. Not a moving violation.** A violation of this section is a not a moving violation as defined in Title 29-A, section 101, subsection 44.

[ 2007, c. 591, §1 (NEW); 2007, c. 591, §2 (AFF) .]

**5. Penalty; warning.** Notwithstanding section 1545, penalties for violations of this section are as set out in this subsection.

A. From September 1, 2008 to August 31, 2009, a law enforcement officer shall give a written warning to an operator or passenger of a motor vehicle who is in violation of this section. [2007, c. 591, §1 (NEW); 2007, c. 591, §2 (AFF).]

B. Beginning September 1, 2009, a person who violates this section commits a civil violation for which a fine of \$50 must be assessed, except that a law enforcement officer may give a written warning to the operator or a passenger of a motor vehicle who is in violation of this section. [2007, c. 591, §1 (NEW); 2007, c. 591, §2 (AFF).]

[ 2007, c. 591, §1 (NEW); 2007, c. 591, §2 (AFF) .]

**SECTION HISTORY**

2007, c. 591, §1 (NEW). 2007, c. 591, §2 (AFF).

**Maine Revised Statutes**  
**Title 22: HEALTH AND WELFARE**  
**Chapter 262: SMOKING HEADING: PL 1993, c. 342, §1 (new)**

**§1550. SMOKING IN OUTDOOR EATING AREAS**

**1. Definition.** As used in this section, "outdoor eating area" means a patio, deck or other property that is partially enclosed or open to the sky that is permitted for outdoor eating or drinking under the control of an eating establishment, as defined in section 2491, subsection 7, as long as food or drink is served by the eating establishment to the public for consumption on the premises.

[ 2009, c. 140, §2 (NEW) .]

**2. Smoking prohibited.** 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.

[ 2009, c. 140, §2 (NEW) .]

**3. Notification; request for compliance.** An eating establishment with an outdoor eating area shall post signs in accordance with section 1543, notify its patrons of the prohibition on smoking in outdoor eating areas and request that all persons within an outdoor eating area comply with this section.

[ 2009, c. 140, §2 (NEW) .]

**SECTION HISTORY**

2009, c. 140, §2 (NEW) .

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**PLEASE NOTE:** The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.

DRAFT -- June 20, 2016

**Bangor City Council**

**RESOLVE, OPPOSING THE LEGALIZATION OF RETAIL (NON-MEDICAL) MARIJUANA**

WHEREAS, There will be an initiative on the November 2016 ballot to legalize retail marijuana; and

WHEREAS, The 2015 results from the Maine Integrated Youth Health Survey indicate that 3.2% of Penobscot County Middle School Students and 16.8% of Penobscot County High School Students reported using marijuana in the past 30 days; and

WHEREAS, The 2015 results from the Maine Integrated Youth Health Survey further indicate that 27.4% of Penobscot County Middle School students and, the majority, 59.1% of Penobscot County High School students believe there is “no risk” or only a “slight risk” from regular marijuana use; and

WHEREAS, The 2015 results from the Maine Integrated Youth Health Survey have found declining rates of alcohol, cigarette, non-medical prescription drug use, and all other illicit drugs while marijuana use rates have remained stable and 1 out of 5 Penobscot County High School seniors reporting they have used in the past 30 days<sup>1</sup>; and

WHEREAS, The 2013-14 results from National Survey on Drug Use and Health indicate that 42% of Maine’s 18-25 year olds had used marijuana in the past year; and<sup>2</sup>

WHEREAS, Research by Dr. J. David Hawkins, Dr. Richard F. Catalano establishes a link between the access and availability of drugs to the prevalence of use amongst youth; and<sup>3</sup>

WHEREAS, Legalizing the sales, possession, and/or distribution of marijuana in the Maine would increase youth access to the drug and send them messages that normalize the drug; and

WHEREAS, The sale, distribution, and possession of marijuana remains illegal under State and Federal law; and

WHEREAS, Research published in the *Journal of the American Academy of Child and Adolescent Psychiatry* establishes that weekly use of marijuana by use doubles the risk of depression or anxiety; and<sup>4</sup>

WHEREAS, Research in *Proceedings of the National Academy of Sciences and Pharmacology, Biochemistry and Behavior* establishes a link between heavy marijuana use in adolescence and problems with attention, learning, memory and processing speeds; and <sup>5 6</sup>

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<sup>1</sup> [https://data.mainepublichealth.gov/miyhs/report\\_fact\\_sheets](https://data.mainepublichealth.gov/miyhs/report_fact_sheets)

<sup>2</sup> <https://nsduhweb.rti.org/respweb/homepage.cfm##>

<sup>3</sup> <http://captus.samhsa.gov/access-resources/common-risk-and-protective-factors-alcohol-and-drug-use>

<sup>4</sup> Hayatbakhsh, M.R. et al. (2007) Cannabis and anxiety and depression in young adults: A large prospective study. *Journal of the American Academy of Child and Adolescent Psychiatry*, 46(3):408-17. <http://www.ncbi.nlm.nih.gov/pubmed/17314727>

WHEREAS, Marijuana users are almost twice as likely as non-users to be involved in workplace injuries or disciplinary problems; and<sup>7</sup>

WHEREAS, Every student has a right to a healthy and safe environment conducive to learning and maximizing their potential and all youth and adults should have access to healthy, safe, and substance-free environments in which to live, work, play, and learn.

NOW, THEREFORE, BE IT RESOLVED BY THE BANGOR CITY COUNCIL that City Council expresses its opposition to the legalization of sales, distribution, and possession of marijuana for non-medical use in the state of Maine; and, be it further

RESOLVED, that the City Council reaffirms its commitment to providing leadership and direction for substance abuse prevention, awareness, and education in the City of Bangor through its Department of Public Health and Community Services to include marijuana use prevention efforts among youth and adults; and, be it further

RESOLVED, The City Manager is hereby directed to forward copies of this Resolve to Governor Paul R. LePage, the Maine Substance Abuse Services Commission, and the Bangor Legislative Delegation.

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<sup>5</sup> Meier, MH et. al (2012) Persistent Cannabis Users Show Neuropsychological Decline from Childhood to Midlife. *Proceedings of the National Academy of Sciences*. 109(40) e2657-e2664. <http://www.pnas.org/content/109/40/E2657.abstract>

<sup>6</sup> Jacobus, J., Bava, S. et. al. (2009) Functional Consequences of Marijuana Use in Adolescents. *Pharmacology, Biochemistry and Behavior* 92(4). <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2697065/>

<sup>7</sup> Zwerling et al. (1990)

# MEMORANDUM



TO: Government Operations Committee  
FROM: Zeth Lundy, Downtown Coordinator/Cultural Liaison  
DATE: June 15, 2016

## Request to Paint Downtown Crosswalk

Members of City staff have been approached by Downtown stakeholders interested in painting a “Pride Crosswalk” in Downtown, as a celebration of the upcoming Bangor Pride Festival (June 24 – 28) and as an extension of the candlelight vigil held on June 13 following the Orlando tragedy. The request is to paint a crosswalk in rainbow colors, instead of the standard white.

Staff has identified two potential locations for this installment: The crosswalk on the State Street bridge over the Kenduskeag Stream, symbolically adjacent to the Charlie Howard memorial; or the crosswalk on Main Street in front of Paddy Murphy’s, a central spot in Downtown and close to the Bangor Pride Festival.

Staff certainly appreciate and embrace the spirit of the request, but there are a few challenges worth considering.

First, we install crosswalks in accordance with the standards set forth in the Maine Uniform Traffic Control Devices manual (MUTCD), which importantly limits the City’s liability in the event of an accident. As long as we maintain the two outer white boundary stripes, the City’s liability should remain limited.

Second, the specialty paint used for crosswalk painting can be expensive. Director Wardwell’s estimates are roughly \$600 for traffic paint and \$300 for labor. Another option is athletic field paint, which is less expensive but more temporary.

Third, while Staff is supportive of this idea, the committee should consider the potential for other worthy groups and organizations to approach the City with similar requests if we install this crosswalk.

Finally, we have found two primary ways these crosswalks have been done in other communities: with the white bars replaced by the rainbow colors, or with the colors infilled between the white bars. Director Wardwell suggests colors between the white bars so that we don’t lose reflectivity we normally have on crosswalks.

With these two challenges in mind, staff seek the committee’s guidance on how to proceed.

