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Senator Heather Sanborn
82 Frost Hill Road
Portland, ME 04103

RE: Smoking in Bus Shelters

Dear Senator Sanborn;

I wish to add my voice in support of your efforts to add bus shelters to the list of public areas where smoking is not permitted. My personal experiences lead me to strongly support your effort.

On one morning, last February, I was waiting for a bus at the bus shelter in front of the Portland Public Library at Monument Square. The temperature was at 17 degrees with the wind-chill at 5 degrees. I was hoping to wait inside the bus shelter to be sheltered from the weather, but a man and a woman were inside the shelter smoking. I could smell the smoke, it bothered me, and I had to stand outside the shelter. I reminded them that smoking was not allowed in bus shelters. They became very belligerent and threatening, stating that since the shelter lacked a no-smoking-sign, they were entitled to smoke, and I should mind my own business.

I subsequently searched for information on §1542, the law which regulates smoking public places. I noted section 1 states: "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."

However, §1542 does NOT specifically mention bus shelters. It appears since §1542 does not mention bus shelters, unless the shelter bears a sign prohibiting smoking, smoking is allowed. I have also noted bus shelters which I recall did bear such signs, but the signs have been removed.

Since §1542 discusses prohibiting smoking in any vehicle engaged in transporting children, and children do use the bus shelters, I believe it is entirely appropriate to modify §1542, section 1, to include prohibiting smoking in bus shelters. It would appear that the simplest approach would be to modify the first sentence of §1542, Section 1 to read: "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 and in bus shelters."

In the incident last February, I also noted in the couple smoking in the shelter were accompanied by a pre-school aged female child, and since §1542 does focus on prohibiting smoking in facilities used by children, prohibiting smoking in bus shelters seems obvious.

More recently, I was in a bus shelter in front of 480 Congress Street that did bear a sign declaring the shelter a smoke-free area. I was wearing face-mask and standing 6 feet away from the seated occupants of the shelter. This was also on a day of inclement weather, where I hoped

to utilize a bus shelter while awaiting a bus. Three men entered the shelter, all of whom were smoking, and they soon filled the shelter with smoke. One the men was coughing. I moved out of the shelter into the weather, pointed to the smoke-free area sign, reminded the men this was a smoke free area, and also reminded them that they were in an enclosed area with others and therefore, should be wearing face masks or some other face covering. The three men became belligerent and threatening. Fortunately for me, the bus I was waiting for pulled up, and I boarded the bus.

One of the more unusual experiences occurred when dealing with smokers in this bus shelter on another occasion. I pointed to the sign, and one the smokers responded that the sign did not apply to them because they were smoking medicinal marijuana. Since I date back to the 1930's and the individual appeared to be in his 30's, and probably under the influence of the smoking material, I did not argue and waited outside the shelter for the bus, standing in the rain.

As another example, on 19 October 2020, having finished my errands, I arrived at the bus shelter to wait for my bus to go home. I had about 20 minutes to wait before the bus arrived. An individual was seated in the bus shelter, sitting under the sign stating the shelter was a smoke-free area, not wearing a mask and smoking. Over the next ten minutes six more individuals arrived singularly, entered the bus shelter, also not wearing masks, and began smoking. Again, I was forced to wait outside the bus shelter.

I live in the North Deering section of Portland and travel to Monument Square at least twice a week. Since September, I can only think of two occasions when I was not forced to exit the bus shelter due to smokers who were standing a few feet away from each other and not wearing face-masks.

It appears clear to me that bus shelters are public areas where smoking should be prohibited to protect the health and safety of both adults and children. I look forward to the successful passing of your legislation to remedy what I believe is a current deficiency in the law.

Sincerely,

