



Department of Health and Human Services  
Maine Center for Disease Control and Prevention  
286 Water Street  
# 11 State House Station  
Augusta, Maine 04333-0011  
Tel: (207) 287-4627  
Fax: (207) 287-4636; TTY: 1-800-606-0215

August 18, 2008

Sample  
00 Any Street  
Anytown, ME

Dear Commander, President or Chief Officer,

Effective September 1, 2008 Veteran's Service Organizations(VSO) and other qualifying clubs with employees<sup>1</sup> that relied on votes of both employees and members taken between January 1, 2005 and September 1, 2006 to approve any policy allowing smoking must take new votes. See P.L. 2005 ch. 581; ch. 683, Pt. G. "Rules Relating to Smoking in the Workplace," Me. Dep't of Health and Hum. Serv., 10 144 CMR 250<sup>2</sup> (Rules). Section 8. of the Rules, governing voting procedures, was finally adopted on April 27, 2008. As a VSO or other qualifying club you are required to have written policies governing voting and conduct a **secret ballot** vote of employees; if all employees agree to a smoking policy, a second **secret ballot** vote of members is required, where a majority of members voting must agree to a smoking policy. The results of each vote must be provided to the Maine Center for Disease Control and Prevention (Maine CDC) within 30 days of the vote on the form provided. If you have reported a compliant vote taken after September 1, 2006 that vote is valid for three years.

The provided form indicates any information that has been previously reported. If there are omissions on the provided form please provide the missing information within 30 days. Any VSO or club that has not reported the required data is deemed to be smoke free. Votes must be taken at least every 3 years.

Please reply by October 1, 2008 by submitting results of votes taken in

accordance with the Rules to: Maine Center for Disease Control and Prevention, Partnership for a Tobacco Free Maine, 11 State House Station, Augusta, Maine 04333-0011. If we do not hear from you by the above date or your organization does not have a valid vote result on file your facilities will be considered to be smoke free and any smoking is a civil violation. Complaints received concerning smoking in any VSO or club that has not complied with the Rules will be referred to the Attorney General's office for investigation.

Sincerely,



Dorean Maines  
Acting Program Manager  
Partnership for a Tobacco Free Maine

ENCLOSURES

cc: John Archard, Tobacco Enforcement Coordinator  
Paul Gauvreau, AAG

1. Employees are defined in 22 M.R.S.A. Section 1580-A as: "Employee means a person who performs a service for wages or other remuneration under a contract of hire, written or oral, expressed or implied. ...."
2. <http://www.maine.gov/sos/cec/rules/10/144/144c250.doc>