

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 104

H.P. 80

House of Representatives, January 11, 2005

### An Act To Require Cigarettes Sold in Maine To Be Fire-safe

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative RINES of Wiscasset.  
Cosponsored by Senator COWGER of Kennebec and  
Representatives: GERZOFKY of Brunswick, MILLER of Somerville, RECTOR of  
Thomaston, TWOMEY of Biddeford, Senator: SAVAGE of Knox.

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

4 **Sec. 1. 22 MRSA §1555-E** is enacted to read:

6 **§1555-E. Fire-safe cigarettes**

8 1. Prohibition. To the extent not preempted by federal  
10 law, a person may not sell cigarettes on or after January 1, 2006  
12 unless the cigarettes meet the standards for fire-safe cigarettes  
14 established by the State Fire Marshal under Title 25, section  
16 2466.

18 2. Civil fines. The following minimum civil fines are  
20 assessed for the following civil violations in actions brought by  
22 the Attorney General:

24 A. For a wholesaler who knowingly sells cigarettes that are  
26 not fire-safe, \$10,000 for each sale;

28 B. For a retailer who sells 5 or fewer cartons of  
30 cigarettes that are not fire-safe, \$500;

32 C. For a retailer who sells more than 5 cartons of  
34 cigarettes that are not fire-safe, \$1,000; and

36 D. For a manufacturer who knowingly misrepresents that that  
38 manufacturer's cigarettes are fire-safe, \$10,000 for each  
40 misrepresentation.

42 **Sec. 2. 25 MRSA §2466** is enacted to read:

44 **§2466. Fire-safe cigarette standards**

46 1. Standards. The State Fire Marshal shall adopt standards  
48 for the sale of fire-safe cigarettes. The standards must ensure:

A. That lit cigarettes stop burning within a specified time  
period if not smoked; or

B. That cigarettes meet performance standards to limit the  
risk that lit cigarettes will ignite upholstered furniture.

2. Health risk assessment. In adopting standards under  
this section, the State Fire Marshal shall cooperate and consult  
with the Department of Health and Human Services to consider  
whether fire-safe cigarettes manufactured in accordance with the  
fire safety standards under subsection 1 may reasonably result in  
increased health risks to consumers.

2 3. Cigarette Fire Safety Fund; established. The Cigarette  
3 Fire Safety Fund is established in the Department of Public  
4 Safety as a nonlapsing dedicated account. All civil fines  
5 collected under Title 22, section 1555-E, subsection 2 must be  
6 transferred by the Treasurer of State to the Cigarette Fire  
7 Safety Fund for use by the department and the State Fire Marshal  
8 for fire safety and prevention programs.

9 4. Rules. The State Fire Marshal may adopt routine  
10 technical rules in accordance with Title 5, chapter 375,  
11 subchapter 2-A to ensure that the standards under subsection 1  
12 are in place no later than January 1, 2006.

### 14 SUMMARY

15 **16**  
17 This bill provides that, beginning January 1, 2006, only  
18 cigarettes that meet the standards of fire-safe cigarettes as  
19 established by the State Fire Marshal may be offered for sale in  
20 this State.