

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 383

H.P. 305

House of Representatives, January 30, 2001

An Act to Limit Smoking by Foster Parents.

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative LAVERRIERE-BOUCHER of Biddeford.
Cosponsored by Senator GAGNON of Kennebec and
Representatives: CANAVAN of Waterville, DUDLEY of Portland, FULLER of Manchester,
LOVETT of Scarborough, SULLIVAN of Biddeford, TOBIN of Windham, WATSON of
Farmingdale, Senator: LaFOUNTAIN of York.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** foster children in state custody are living in
foster homes where they are exposed to secondhand smoke; and

8 **Whereas,** there are a number of health risks related to
exposure to secondhand smoke; and

10
12 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
14 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

18 **Sec. 1. 22 MRSA §1580-E** is enacted to read:

20 **§1580-E. Smoking by foster parents**

22 **1. Residence prohibition.** Smoking, as defined in section
24 1580-B, subsection 1, paragraph B, is prohibited in a private
residence if that residence is a family foster home, as defined
26 in Title 22, section 8101, subsection 3, where a foster child is
living.

28 **2. Vehicle prohibition.** A foster parent is prohibited from
30 smoking in that foster parent's private vehicle and may not allow
any other person to smoke in that foster parent's private vehicle
32 when a foster child is in that foster parent's care, even if the
child is not in the vehicle.

34 **Sec. 2. Licensing rules.** The Department of Human Services
36 shall amend the foster home licensing rules to prohibit smoking
in family foster homes. The department shall adopt procedures
38 for revoking the license of foster homes where smoking is taking
place. Rules adopted pursuant to this section are routine
40 technical rules as defined in the Maine Revised Statutes, Title
5, chapter 375, subchapter II-A.

42 **Emergency clause.** In view of the emergency cited in the
44 preamble, this Act takes effect when approved.

46
48 **SUMMARY**

50 This bill prohibits smoking in foster homes and prohibits
foster parents from smoking in their private vehicles.