

MAINE STATE LEGISLATURE

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77
R.O.S.

L.D. 1155

DATE: 5/18/05

(Filing No. H-413)

LEGAL AND VETERANS AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 798, L.D. 1155, Bill, "An Act To Prohibit the Sale and Use of Vaporized Alcohol and Alcohol Vaporizing Devices"

Amend the bill in section 1 in that part designated "~~§2088.~~" by striking out all of subsections 2 and 3 (page 1, lines 21 to 45 in L.D.) and inserting in their place the following:

'2. Use prohibited. A person may not use vaporized alcohol or an alcohol vaporizing device.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$250 and not more than \$500 must be adjudged.

B. A person who violates this subsection after having been previously adjudicated as violating this subsection commits a civil violation for which a fine of not less than \$500 and not more than \$3,000 must be adjudged.

In addition to a fine imposed under this subsection, a court may make additional orders as described in Title 22, section 2383-C, subsection 6.

3. Selling or furnishing prohibited. A person may not sell, furnish or give away or offer for sale or offer to furnish or give away vaporized alcohol or an alcohol vaporizing device.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 must be adjudged.

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COMMITTEE AMENDMENT "A" to H.P. 798, L.D. 1155

2 B. A person who violates this subsection after having been
3 previously adjudicated as violating this subsection commits
4 a Class E crime for which a fine of not less than \$1,000
5 and, notwithstanding Title 17-A, section 1301, not more than
6 \$5,000 must be imposed. In addition to a fine imposed under
7 this subsection, if the person is a licensee under chapter
8 19, 43 or 45, the court may suspend that person's license
9 for up to one year. A violation under this paragraph is a
10 strict liability crime as defined in Title 17-A, section 34,
11 subsection 4-A.

12 4. Exceptions. This section does not apply to vaporized
13 alcohol or alcohol vaporizing devices used for medical or
14 scientific research.'

16 **SUMMARY**

18 This amendment removes the proposed prohibition on
19 possessing vaporized alcohol or an alcohol vaporizing device and
20 creates an exception for medical and scientific research to the
21 prohibition on using, selling, furnishing or giving away
22 vaporized alcohol or alcohol vaporizing devices. The amendment
23 makes technical changes to the penalty provisions of the bill.
24

26 **FISCAL NOTE REQUIRED**
27 **(See attached)**



122nd MAINE LEGISLATURE

LD 1155

LR 1348(02)

An Act To Prohibit the Sale and Use of Vaporized Alcohol and Alcohol Vaporizing Devices

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Legal and Veterans Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes a new civil violation and Class E crime

The collection of additional fines may increase General Fund revenue by minor amounts