

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

---

Legislative Document

No. 1155

H.P. 798

House of Representatives, March 8, 2005

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

---

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative BRYANT of Windham.  
Cosponsored by Senator BRYANT of Oxford and  
Representatives: CAIN of Orono, CANAVAN of Waterville, GROSE of Woolwich, MILLS of  
Farmington, RICHARDSON of Carmel, TRAHAN of Waldoboro, Senators: BROMLEY of  
Cumberland, DIAMOND of Cumberland.

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

4 **Sec. 1. 28-A MRSA §2088** is enacted to read:

6 **§2088. Vaporized alcohol**

8 **1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

10 A. "Alcohol vaporizing device" means any device, machine or process that mixes an alcoholic product with pure oxygen or another gas to produce vaporized alcohol for the purpose of consumption through inhalation.

12 B. "Vaporized alcohol" means an alcoholic product created by mixing alcohol with pure oxygen or another gas to produce a vaporized product for the purpose of consumption through inhalation.

14 **2. Prohibition.** A person may not use, sell, furnish, give away, possess or offer to sell, furnish or give away vaporized alcohol or an alcohol vaporizing device.

16 **3. Penalties.** A person who:

18 A. Uses vaporized alcohol or an alcohol vaporizing device in violation of subsection 2 commits a civil violation for which a fine of not less than \$250 and not more than \$500 must be adjudged for a first offense and a fine of not less than \$500 and not more than \$3,000 must be adjudged for a 2nd or subsequent offense. In addition to a fine ordered under this subsection, a court may make additional orders as described in Title 22, section 2383-C, subsection 6.

20 B. Who sells, furnishes, gives away, possesses or offers to sell, furnish or give away vaporized alcohol or an alcohol vaporizing device in violation of subsection 2 commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 must be adjudged. A person who commits a 2nd or subsequent offense under this paragraph commits a Class E crime for which a fine of not less than \$1,000 and not more than \$5,000 must be adjudged, and, if the person is a licensee under chapter 19, 43 or 45, the court may suspend the person's license for up to one year.

22 **SUMMARY**

24 **50** This bill prohibits selling, furnishing, giving away, using, possessing and offering to sell, furnish or give away vaporized

2 alcohol or an alcohol vaporizing device. Using vaporized alcohol  
or an alcohol vaporizing device is a civil violation for which a  
4 fine must be adjudged and the court may order community service,  
counseling or treatment. Selling, furnishing, giving away,  
6 possessing or offering to sell, furnish or give away vaporized  
alcohol or an alcohol vaporizing device is a civil violation for  
which a fine must be adjudged. A 2nd offense for selling,  
8 furnishing, giving away, possessing or offering to sell, furnish  
or give away vaporized alcohol or an alcohol vaporizing device is  
10 a Class E crime for which a fine must be adjudged, and, if the  
person is a licensee for the on-premises or off-premises sale of  
12 liquor, the court may order a suspension of the license for up to  
one year.