

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 70

H.P. 68

House of Representatives, January 9, 2007

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

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 Representatives: BRAUTIGAM of Falmouth, SIMPSON of Auburn and
Representative: RAND of Portland.

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

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

3 **§1555-E. Fire-safe cigarettes**

4 **1. Prohibition.** To the extent not preempted by federal law, a person may not sell
5 cigarettes on or after January 1, 2008 unless the cigarettes meet the standards for fire-safe
6 cigarettes established by the State Fire Marshal under Title 25, section 2466.

7 **2. Civil fines.** The following minimum civil fines are assessed for the following
8 civil violations in actions brought by the Attorney General:

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

11 B. For a retailer who sells 5 or fewer cartons of cigarettes that are not fire-safe,
12 \$500;

13 C. For a retailer who sells more than 5 cartons of cigarettes that are not fire-safe,
14 \$1,000; and

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

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

18 **§2466. Fire-safe cigarette standards**

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

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

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

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

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

34 **4. Rules.** The State Fire Marshal may adopt routine technical rules in accordance
35 with Title 5, chapter 375, subchapter 2-A to ensure that the standards under subsection 1
36 are in place no later than January 1, 2008.

37 **SUMMARY**

38 This bill provides that, beginning January 1, 2008, only cigarettes that meet the
39 standards of fire-safe cigarettes as established by the State Fire Marshal may be offered
40 for sale in this State.