

MAINE STATE LEGISLATURE

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Date: 3/19/08

Majority

L.D. 2012
(Filing No. H-785)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1396, L.D. 2012, Bill, "An Act To Protect Children in Vehicles from Secondhand Smoke"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 22 MRSA §1549 is enacted to read:

§1549. Smoking in vehicles when minor under 16 years of age is present

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

A. "Motor vehicle" has the same meaning as in Title 29-A, section 101, subsection 42.

B. "Smoking" means inhaling, exhaling, burning or carrying a lighted cigarette, cigar, pipe, weed, plant, regulated narcotic or other combustible substance.

2. Prohibition. Smoking is prohibited in a motor vehicle by the operator or a passenger when a person who has not attained 16 years of age is present in that motor vehicle, regardless of whether the motor vehicle's windows are open.

3. Prohibition on inspection or search. A motor vehicle, the contents of the motor vehicle or the operator or a passenger in the motor vehicle may not be inspected or searched solely because of a violation of this section.

4. Not a moving violation. A violation of this section is a not a moving violation as defined in Title 29-A, section 101, subsection 44.

5. Penalty; warning. Notwithstanding section 1545, penalties for violations of this section are as set out in this subsection.

A. From September 1, 2008 to August 31, 2009, a law enforcement officer shall give a written warning to an operator or passenger of a motor vehicle who is in violation of this section.

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 1396, L.D. 2012

1 B. Beginning September 1, 2009, a person who violates this section commits a civil
2 violation for which a fine of \$50 must be assessed, except that a law enforcement
3 officer may give a written warning to the operator or a passenger of a motor vehicle
4 who is in violation of this section.

5 **Sec. 2. Effective date.** This Act takes effect September 1, 2008.'

6 **SUMMARY**

7 This amendment is the majority report of the committee. This amendment lowers the
8 age of the minors who are protected from secondhand smoke in a motor vehicle from
9 under 18 years of age to under 16 years of age. The amendment states that the violation
10 is not a moving violation. The amendment prohibits searches based solely on a violation
11 of the provision, limits the penalty for violating the provision in the first 12 months of its
12 taking effect to a warning and retains a violation after that time as a civil violation, for
13 which a fine of \$50 may be assessed or a warning given in the discretion of the law
14 enforcement officer. This amendment provides an effective date of September 1, 2008.

15 **FISCAL NOTE REQUIRED**
16 (See attached)



123rd MAINE LEGISLATURE

LD 2012

LR 2781(02)

An Act To Protect Children in Vehicles from Secondhand Smoke

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

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

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

Correctional and Judicial Impact Statements

Establishes new civil violations. The collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Any additional costs to the Maine Center for Disease Control and Prevention in the Department of Health and Human Services can be absorbed by the center utilizing existing budgeted resources.