

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2008

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Legislative Document

No. 2012

H.P. 1396

House of Representatives, December 21, 2007

### **An Act To Protect Children in Vehicles from Secondhand Smoke**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2007. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative DUPREY of Hampden.  
Cosponsored by Representative: SAVAGE of Falmouth.

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

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

3 **§1549. Smoking in vehicles when minor is present**

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

6 A. "Motor vehicle" has the same meaning as in Title 29-A, section 101, subsection  
7 42.

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

10 **2. Prohibition.** Smoking is prohibited in a motor vehicle when a person who has not  
11 attained 18 years of age is present in that motor vehicle, regardless of whether the motor  
12 vehicle's windows are open.

13 **3. Penalty; warning.** Notwithstanding section 1545, a person who violates this  
14 section commits a civil violation for which a fine of \$50 must be assessed, except that a  
15 law enforcement officer may give a written warning to an operator or passenger who is in  
16 violation of this section.

17 **SUMMARY**

18 This bill, modeled on a Bangor city ordinance, prohibits smoking in a motor vehicle  
19 when a person under 18 years of age is present in that vehicle. Violators are subject to a  
20 \$50 fine or, at the discretion of the law enforcement officer present, a written warning.