

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2008

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Legislative Document

No. 2081

H.P. 1467

House of Representatives, December 27, 2007

**An Act To Prohibit the Retail Sale and Distribution of Novelty  
Lighters**

(EMERGENCY)

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

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative SYKES of Harrison.  
Cosponsored by Representatives: BEAULIEU of Auburn, Speaker CUMMINGS of Portland,  
GERZOFSKY of Brunswick, RECTOR of Thomaston, SARTY of Denmark, TARDY of  
Newport.

1       **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3       **Whereas,** novelty lighters have features that are attractive to children, including  
4 visual effects, flashing lights, musical sounds and toy-like designs; and

5       **Whereas,** the federal Consumer Product Safety Commission has recalled thousands  
6 of novelty lighters since 1996 due to their danger to public safety; and

7       **Whereas,** fire setting by juveniles has been identified as the fastest growing fire  
8 threat in the United States, with more than 300 people killed annually, 30% of whom are  
9 children, and almost \$1 billion in property destroyed; and

10       **Whereas,** in Maine, fire setting by juveniles has resulted in several deaths and  
11 millions of dollars in property damage and destruction; and

12       **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
13 the meaning of the Constitution of Maine and require the following legislation as  
14 immediately necessary for the preservation of the public peace, health and safety; now,  
15 therefore,

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

17       **Sec. 1. 25 MRSA §2467** is enacted to read:

18       **§2467. Retail sale and distribution of novelty lighters prohibited**

19       **1. Definition.** For purposes of this section, "novelty lighter" means a mechanical or  
20 electrical device typically used for lighting cigarettes, cigars or pipes that is designed to  
21 appear to be a toy, feature a flashing light or make musical sounds. "Novelty lighter"  
22 does not include:

23       A. A lighter manufactured prior to January 1, 1980; or

24       B. A lighter lacking fuel or lacking a device necessary to produce combustion or a  
25 flame.

26       **2. Prohibition; penalty.** A person may not sell at retail or distribute for retail sale in  
27 this State a novelty lighter. A person who violates this subsection commits a civil  
28 violation for which a fine of up to \$500 may be imposed.

29       **3. Exception.** The prohibition specified in subsection 2 does not apply to the  
30 transportation of novelty lighters through this State or the storage of novelty lighters in a  
31 warehouse or distribution center in this State that is closed to the public for purposes of  
32 retail sales.

33       **4. Enforcement.** This section may be enforced by the State Fire Marshal's Office; a  
34 state, county or municipal law enforcement officer; or a municipal code enforcement  
35 officer.

