

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2085

H.P. 1471

House of Representatives, December 27, 2007

An Act To Protect Children from Secondhand Smoke

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

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BLANCHETTE of Bangor.
Cosponsored by Representatives: BRIGGS of Mexico, Speaker CUMMINGS of Portland.

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 motor 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.