

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

### **§ 1549. Smoking in vehicles when minor 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 when a person who has not attained 18 years of age is present in that motor vehicle, regardless of whether the motor vehicle's windows are open.

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

## **SUMMARY**

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