

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

Amend the bill in section 1 in §2467 in subsection 1 by striking out all of paragraphs A and B (page 1, lines 23 to 25 in L.D.) and inserting the following:

'A. A lighter manufactured prior to January 1, 1980;

B. A lighter incapable of being fueled or lacking a device necessary to produce combustion or a flame; or

C. Any mechanical or electrical device primarily used to ignite fuel for fireplaces or for charcoal or gas grills.'

Amend the bill in section 1 in §2467 by striking out all of subsection 2 (page 1, lines 26 to 28 in L.D.) and inserting the following:

'2. **Prohibition; penalty.** A person may not sell at retail, offer for retail sale or distribute for retail sale or promotion in this State a novelty lighter. A person who violates this subsection commits a civil violation for which a fine of not more than \$500 may be imposed.'

SUMMARY

This amendment clarifies that a novelty lighter does not include a lighter incapable of being fueled. The bill stated that a lighter lacking fuel was not a novelty lighter, which allowed for the possibility that such a lighter and a device to light it could be sold separately. The amendment also clarifies that a novelty lighter does not include a device that is primarily used to light a fireplace or grill. The amendment adds language to the prohibition on retail sale to include a prohibition on stocking the product on retail shelves and a prohibition on offering a novelty lighter as a promotion with another retail product.

FISCAL NOTE REQUIRED

(See attached)