

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1938

H.P. 1297

House of Representatives, May 6, 2025

An Act Regarding the Regulation of Tobacco

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

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MOONEN of Portland.
Cosponsored by Senator INGWERSEN of York and
Representatives: GRAHAM of North Yarmouth, KUHN of Falmouth, MEYER of Eliot.

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

2 **Sec. 1. 10 MRSA §1202, sub-§2, ¶D** is amended to read:

3 D. Sales made by a cigarette distributor to a licensed wholesale dealer ~~or to the operator~~
4 ~~of 15 or more vending machines shall not be~~ are not subject to a markup of 2% as stated
5 in paragraph C, but such sales ~~shall be~~ are subject to full trade discount only.

6 **Sec. 2. 22 MRSA §1542, sub-§2, ¶H**, as enacted by PL 1993, c. 342, §1 and
7 affected by §9, is repealed.

8 **Sec. 3. 22 MRSA §1551-A, sub-§1**, as enacted by PL 1995, c. 470, §9 and affected
9 by §19, is amended to read:

10 **1. Retail tobacco license.** It is unlawful for any person, partnership or corporation
11 that engages in retail sales, including ~~retail sales through vending machines or in the~~ free
12 distribution of tobacco products, to sell, keep for sale or give away in the course of trade
13 any tobacco products to anyone without first obtaining a retail tobacco license from the
14 department, in accordance with this chapter. The department may not issue a license under
15 this chapter that permits the retail sale of tobacco products through vending machines.

16 **Sec. 4. 22 MRSA §1552, sub-§3**, as amended by PL 2005, c. 145, §1, is further
17 amended to read:

18 **3. Multiple licenses.** Except as provided in subsection 3-A, a licensee applying for
19 licenses to operate more than one premises ~~or more than one vending machine~~ shall obtain
20 a separate license for each premises ~~and each machine~~ and shall pay the fee prescribed for
21 each premises ~~and each machine~~.

22 **Sec. 5. 22 MRSA §1552, sub-§3-A**, as amended by PL 2009, c. 199, §3, is further
23 amended to read:

24 **3-A. Seasonal mobile tobacco vendor license.** An applicant who is a seasonal mobile
25 tobacco vendor may purchase a single annual license authorizing that vendor to operate at
26 2 or more agricultural fairs, festivals or exhibitions held during the agricultural fair season.
27 A license issued under this subsection must clearly specify the name and location of each
28 fair, festival or exhibition at which the licensee is authorized to operate and, for each
29 location, the specific dates ~~and number of machines~~ for which the licensee is authorized.
30 A licensee may not operate at any agricultural fair, festival or ~~exhibit~~ exhibition except as
31 specifically provided in that license. A seasonal mobile tobacco vendor license expires
32 upon the conclusion of the agricultural fairs, festivals or exhibitions for which it was issued.
33 Upon issuing a license under this subsection, the department shall immediately provide the
34 information required by this subsection to the Office of the Attorney General for purposes
35 of inspection and enforcement.

36 **Sec. 6. 22 MRSA §1553-A**, as amended by PL 2017, c. 308, §5, is repealed.

37 **Sec. 7. 22 MRSA §1555-B, sub-§3**, as enacted by PL 1997, c. 305, §5, is repealed.

38 **Sec. 8. 22 MRSA §1558, sub-§5, ¶B**, as enacted by PL 1995, c. 470, §9 and
39 affected by §19 and amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is further
40 amended to read:

1 B. If a licensee is interested directly or indirectly in more than one license, the District
2 Court may order that a revocation apply to any of those premises ~~or machines~~.

3 **Sec. 9. 36 MRSA §4362-A, sub-§4**, as repealed and replaced by PL 2003, c. 452,
4 Pt. U, §9 and affected by Pt. X, §2, is amended to read:

5 **4. Penalties.** The following penalties apply to violations of this section.

6 A. A distributor who imports into this State any cigarettes without holding a
7 distributor's license issued by the assessor pursuant to this section commits a civil
8 violation for which a fine of not less than ~~\$250~~ \$500 and not more than ~~\$500~~ \$1,000
9 must be adjudged.

10 B. A distributor who violates paragraph A after having been previously adjudicated as
11 violating paragraph A commits a civil violation for which a fine of not less than ~~\$500~~
12 \$1,000 and not more than ~~\$1,000~~ \$2,000 must be adjudged for each subsequent
13 violation.

14 C. A distributor who sells at wholesale, offers for sale at wholesale or possesses with
15 intent to sell at wholesale any cigarettes without holding a distributor's license issued
16 by the assessor pursuant to this section commits a civil violation for which a fine of not
17 less than ~~\$250~~ \$500 and not more than ~~\$500~~ \$1,000 must be adjudged.

18 D. A distributor who violates paragraph C after having been previously adjudicated as
19 violating paragraph C commits a civil violation for which a fine of not less than ~~\$500~~
20 \$1,000 and not more than ~~\$1,000~~ \$2,000 must be adjudged for each subsequent
21 violation.

22 **Sec. 10. 36 MRSA §4365-F, sub-§2**, as enacted by PL 2005, c. 457, Pt. AA, §3
23 and affected by §8, is amended to read:

24 **2. Liability.** A person possessing cigarettes for resale is liable for the difference
25 between the tax rate of 100 mills per cigarette and the tax rate of 50 mills per cigarette in
26 effect before September 19, 2005. Stamps indicating payment of the tax imposed by this
27 section must be affixed to all packages of cigarettes held for resale as of September 19,
28 2005, ~~except that cigarettes held in vending machines as of that date do not require that~~
29 ~~stamp.~~

30 **Sec. 11. 36 MRSA §4365-F, sub-§3**, as enacted by PL 2005, c. 457, Pt. AA, §3
31 and affected by §8, is repealed.

32 **Sec. 12. 36 MRSA §4401, sub-§2-A**, as enacted by PL 2019, c. 530, Pt. A, §1 and
33 affected by §7, is repealed and the following enacted in its place:

34 **2-A. Electronic smoking device.** "Electronic smoking device" means a device that
35 can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the
36 device. "Electronic smoking device" includes any component, part or accessory of such a
37 device, whether or not sold separately, and includes any substance intended to be
38 aerosolized or vaporized by using the device. "Electronic smoking device" does not include
39 any battery or battery charger when sold separately. "Electronic smoking device" does not
40 include drugs, devices or combination products authorized for sale by the United States
41 Food and Drug Administration, as described in the Federal Food, Drug, and Cosmetic Act,
42 21 United States Code, Sections 321(g), 321(h) and 353(g) (2022).

