

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

Kennebec Journal
Augusta, Maine
1979

PUBLIC LAWS
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STATE OF MAINE
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General Fund to carry out the purposes of this Act. These funds shall not lapse but shall carry forward until the purposes of this Act are accomplished.

1979-80 1980-81

HUMAN SERVICES, DEPARTMENT OF

All Other	\$17,500	\$17,500
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Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 22, 1979

CHAPTER 508

H. P. 1122 — L. D. 1452

AN ACT Eliminating the Requirements for Licensing Retail Cigarette Outlets and Cigarette Vending Machines.

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

Sec. 1. 36 MRSA § 4362, as amended by PL 1977, c. 696, § 287, is further amended to read:

§ 4362. Licenses

Each person engaging in the business of selling cigarettes in this State, including any distributor or dealer, **excepting a dealer who sells at retail or through a vending machine**, shall secure a license from the State Tax Assessor before engaging in such business. A separate application and license shall be required for each wholesale outlet ~~and for each retail outlet when a person shall own or control more than one place of business dealing in cigarettes. Each vending machine shall be considered a retail outlet.~~ Such license shall be issued on forms prescribed by the State Tax Assessor, and shall contain the name and address of the applicant, the address of the place of business and such other information as the State Tax Assessor may require for the proper administration of this chapter. Each application for a wholesale outlet license shall be accompanied by a fee of \$25 ~~and each such application for a retail outlet license shall be accompanied by a fee of \$1.~~ Each application for a sub-jobber's license, to be known as a "wholesale dealer's license," shall be accompanied by a fee of \$10. Each license so issued shall be prominently displayed on the premises covered by the license ~~and in the case of vending machines there shall be attached to the same a disc or marker to be furnished by the Tax Assessor showing it to have been~~

licensed. Each unclassified importer shall, before importing, receiving or acquiring cigarettes from without the State, secure a license from the **State Tax Assessor**. There shall be no charge for a license issued to an unclassified importer. Any person who shall sell, offer for sale or possess with intent to sell any cigarettes, without a license as provided in this section, commits a civil violation for which a forfeiture not to exceed \$25 may be adjudged for the first violation and a forfeiture **of** not less than \$25 nor more than \$200 shall be adjudged for each subsequent violation. Any unclassified importer who shall import, receive or acquire from without the State cigarettes for use or consumption within the State without a license as provided in this section commits a civil violation for which a forfeiture not to exceed \$25 may be adjudged for the first violation and a forfeiture **of** not less than \$25 nor more than \$200 shall be adjudged for each subsequent violation.

Sec. 2. 36 MRSA § 4363, 3rd ¶, is repealed and the following enacted in its place:

In the event that the holder of a wholesale dealer's license shall remove his business to another location within the State, the license with respect to the former place of business shall be reissued for the new location without payment of an additional fee. In the event of mutilation, loss or destruction for such wholesale dealer's license, a duplicate copy marked as such shall be issued by the State Tax Assessor upon application accompanied by a fee of \$1.

Sec. 3. 36 MRSA § 4369 is amended to read:

§ 4369. Stamps affixed by licensed dealers

Each **licensed** dealer shall, within 72 hours after coming into possession of any cigarettes not bearing proper stamps evidencing payment of the tax imposed by this chapter, and before selling such cigarettes, affix or cause to be affixed, in such manner as the **State Tax Assessor** may specify in regulations issued pursuant to this chapter, to each individual package of cigarettes, stamps of the proper denomination as required by section 4365.

Sec. 4. 36 MRSA § 4370, 2nd sentence is amended to read:

Any unstamped cigarettes in the possession of a **licensed** dealer shall be presumed to have been held by him for more than 72 hours unless proof be shown to the contrary.

Sec. 5. 36 MRSA § 4375 is amended to read:

§ 4375. Records; examinations by State Tax Assessor

Each distributor and each **licensed** dealer shall keep complete and accurate records of all cigarettes manufactured, produced, purchased and sold. Such records shall be of such kind and in such form as the **State Tax Assessor** may prescribe and shall be safely preserved for 2 years in such manner as to insure

permanency and accessibility for inspecton by the **State Tax Assessor** and his authorized agents. The **State Tax Assessor** and his authorized agents may examine the books, papers and records of any distributor or **licensed** dealer in this State for the purpose of determining whether the tax imposed by this chapter has been fully paid, and may investigate and examine the stock of cigarettes in or upon any premises where such cigarettes are possessed, stored or sold for the purpose of determining whether this chapter is being obeyed.

Effective September 14, 1979

CHAPTER 509

S. P. 377 — L. D. 1157

AN ACT to Authorize the Provision of Services to Developmentally Disabled Children.

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

Sec. 1. 22 MRSA § 9, sub-§ 4 is enacted to read:

4. Developmental day care services. The department shall provide and shall establish a sliding fee scale for the provision of center based developmental day care services for preschool children with developmental disabilities as authorized under the United States Social Security Act, Title XX, as amended.

Services provided pursuant to this subsection shall be available to all eligible preschool children regardless of their family income.

Services to eligible children of individuals and families whose adjusted gross income is at or below 80% of the median personal income for residents of the State shall be made available at no cost to the individual or family.

A sliding fee scale no higher than the applicable scale under subsection 3 shall be applied to eligible children of individuals and families whose adjusted gross income is between 80% and 115% of the median personal income for residents of the State.

For eligible children of individuals and families whose adjusted gross income is over 115% of the median personal income for residents of the State, a sliding fee scale that is proportionately related to the applicable scale under subsection 3 shall be developed and applied.

The department shall coordinate these services with other state agencies, so as to ensure that no unnecessary duplication of services will occur.