

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 179

H. P. 123

House of Representatives, January 14, 1975

Speaker laid before the House and on Motion of Mr. Finemore of Bridgewater referred to the Committee on Taxation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Morton of Farmington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to Contraband Cigarettes.

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

Sec. 1. 36 MRSA, § 4372, first sentence, is amended to read:

Any cigarettes found at any place in this State without stamps affixed thereto as required by this chapter, unless such cigarettes shall be in the possession of a licensed distributor, or unless they shall be in course of transit from without this State and consigned to a licensed distributor or licensed dealer, or unless they shall have been received by a licensed dealer within 72 hours, or unless they shall have been imported, received or acquired within 24 hours by a licensed unclassified importer who has notified the Tax Assessor as provided in section 4365, are declared to be contraband goods and are subject to forfeiture to the State, **together with their containers, including any vehicle in which such cigarettes are found.**

Sec. 2. 36 MRSA, § 4372, 4th and 5th sentences are amended to read: When such cigarettes are seized as provided, the officer or agent seizing them shall immediately file with the judge before whom such warrant is returnable, a libel against such cigarettes setting forth the seizure and describing the cigarettes, their containers, **including any vehicle in which such cigarettes are found**, and the place of seizure in sufficient manner to reasonably identify them, and that they were kept or intended for unlawful sale or use in violation of law and pray for a decree of forfeiture thereof. Such judge shall fix a time for the hearing of such libel and shall issue his monition and notice of the same to all persons interested, citing them to appear at the time and place appointed to show cause why such cigarettes and their containers, in-

cluding any vehicle in which such cigarettes are found, should not be declared forfeited, by causing true and attested copies of said libel and monition to be posted in 2 public and conspicuous places in the town or place where such cigarettes were seized, 10 days at least before said libel is returnable.

STATEMENT OF FACT

Smuggling of cigarettes has become a major problem on the eastern seaboard. While Maine has not as yet been affected by these criminal activities, the purpose of this bill is to offer the added protection offered by confiscation of vehicles used for illegal transportation of contraband cigarettes. A number of other states already have similar statutory provisions.