

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 631

H. P. 564

House of Representatives, February 18, 1975

Reported by Mr. Drigotas of Auburn from the Committee on Taxation and printed under Joint Rules No. 18.

EDWIN H. PERT, Clerk

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, 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~~ **packaging** 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~~ **packaging** 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.

Sec. 2. 36 MRSA § 4372 is amended by adding at the end a new paragraph to read:

Any person possessing contraband cigarettes at the time of seizure shall be punished by a fine of \$5 for each carton of cigarettes seized, or each 200 cigarettes seized, with the total fine not to exceed \$500, or by not more than 6 months in jail, or by both; provided the amount of seized cigarettes totals at least 20 cartons of cigarettes or 4,000 cigarettes.

STATEMENT OF FACT

The purpose of this bill is to institute a reasonable penalty for possessing contraband cigarettes.