

MAINE STATE LEGISLATURE

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L.D. 478

(Filing No. S-67)

STATE OF MAINE
SENATE
111TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to H.P. 395, L.D. 478,
Bill, "AN ACT to Protect the Health of Children by
Prohibiting the Free Distribution of Cigarettes."

Amend the bill by striking out all of that part
designated "§1579." and inserting in its place the
following:

'§1579. Sale and free distribution of cigarettes to
children under the age of 18 years

1. Prohibition. No person may knowingly sell,
furnish, give away or offer to sell, furnish or give
away cigarettes or tobacco to any child under the age
of 18 years. No person in the business of selling or
otherwise distributing cigarettes or other tobacco
products for profit, or an employee or agent of such
a person, may, in the course of his business, distri-
bute any cigarette or other tobacco product free
to any children under the age of 18 years in any
place, including, but not limited to, a public way or
sidewalk, public park or playground, public school
or other public building, or an entranceway, lobby,
hall or other common area of a private building,
shopping center or mall.

2. Penalty. Violation of this section shall
result in a fine of not less than \$20 nor more than
\$50 for each violation.'

STATEMENT OF FACT

Under the Maine Criminal Code, the distribution
of cigarettes or tobacco to a child under the age of

SENATE AMENDMENT " A " to H.P. 395, L.D. 478

1 16 years constitutes endangering the welfare of a
2 child and is a Class D crime. In order to convict a
3 person for violation of this law, the State must
4 prove beyond a reasonable doubt that the crime has
5 been committed. This amendment:

6 1. Increases the age prohibiting the sale or
7 distribution of cigarettes or tobacco to a child
8 from under 16 years of age to under 18 years of
9 age; and

10 2. Facilitates the prosecution of violators by
11 requiring the State to prove the commission of
12 the crime by a "preponderance of the evidence,"
13 a far lesser burden than now required by law.

14 3441042183


(Sen. Carpenter)

15
16 NAME:

17 COUNTY: Aroostook

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