

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 2249  
6

7 H.P. 1694

House of Representatives, March 15, 1984

8 Submitted by the Department of Corrections pursuant to Joint Rule 24.  
9 Referred to the Committee on Health and Institutional Services. Sent up  
for concurrence and ordered printed.

EDWIN H. PERT, Clerk

10 Presented by Representative Kane of So. Portland.

Cosponsors: Representative Benoit of So. Portland and Representative  
Manning of Portland.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FOUR  
16

17 AN ACT to Amend the Statute Relating to  
18 the Sale and Free Distribution of Cigarettes  
19 to Children.  
20

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

23 Sec. 1. 22 MRSA §1579, as enacted by PL 1983, c.  
24 226, is reallocated to be 22 MRSA §1580.

25 Sec. 2. 22 MRSA §1579, sub-§3 is enacted to  
26 read:

27 3. Exception; correctional facility or a county  
28 jail. Notwithstanding the provisions of this sec-  
29 tion, a chief administrative officer of a correction-  
30 al facility or a sheriff may allow the sale, furnish-  
31 ing or giving away of cigarettes or other tobacco  
32 products to children under 18 years of age who have  
33 been committed to a correctional facility or a county  
34 jail.

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STATEMENT OF FACT

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The current law prohibits any person from selling, furnishing, giving away or offering to sell, furnish or give away cigarettes or tobacco to any child under the age of 18 years. Currently, both county jails and state correctional facilities house children who are under 18 years of age with persons who are over 18 years of age. These include juveniles who have been committed to the Maine Youth Center until they reach the age of 21 years and juveniles who have been bound over to the Superior Court to be treated as adults and are incarcerated in county jails. Prohibiting the use of cigarettes or tobacco by children under 18 years of age has created a flow of "contraband," pilfering and marketing for favors. The Department of Corrections is also concerned that forbidding cigarettes or tobacco to children who, with or without parental consent, have been using those products for a number of years would have a very disruptive impact on their performance within the correctional facility. Allowing children in correctional facilities to use tobacco products in that correctional facility under guidelines established by the chief administrative officer or the sheriff is consistent with the law which authorizes parents or guardians to allow liquor to be served to a minor in a home, the Revised Statutes, Title 28, section 1058, subsection 2.

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