

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 580

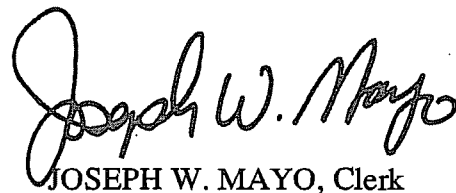
H.P. 454

House of Representatives, February 22, 1993

**An Act to Further Discourage the Smoking of Cigarettes by Minors.**

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Reference to the Committee on Human Resources suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative PARADIS of Augusta.  
Cosponsored by Representatives: DAGGETT of Augusta, MICHAEL of Auburn, STEVENS of Sabattus, TRACY of Rome.

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

2  
3       **Sec. 1. 22 MRSA §1579**, as repealed and replaced by PL 1989,  
4 c. 445, §8, is amended to read:

6       **§1579. Prohibition**

8       **1. Sale and distribution; penalty.** No person may knowingly  
9 sell, furnish, give away or offer to sell, furnish or give away  
10 cigarettes, cigarette paper or any other tobacco product to any  
11 person under the age of 18 years. No person in the business of  
12 selling or otherwise distributing cigarettes, cigarette paper or  
13 other tobacco products for profit nor an employee or agent of  
14 such that a person may, in the course of that person's business,  
15 distribute free any cigarette, cigarette paper or other tobacco  
16 product to any person under the age of 18 years in any place,  
17 including, but not limited to, a public way or sidewalk, public  
18 park or playground, public school or other public building, or an  
19 entranceway, lobby, hall or other common area of a private  
20 building, shopping center or mall.

22 Any person who violates this subsection commits a civil violation  
23 for which a forfeiture of not less than ~~\$10 nor more than \$100~~  
24 shall \$25 nor more than \$200 may be adjudged for any one  
25 offense. Any person who employs a person who violates this  
26 subsection commits a civil violation for which a forfeiture of  
27 not less than \$100 nor more than \$1,000 shall may be adjudged.  
28 In all cases of violations, the court shall impose a forfeiture  
29 ~~which shall that may~~ not be suspended, except pursuant to Title  
30 15, section 3314.

32 It is an affirmative defense to prosecution under this subsection  
33 that the defendant was the parent, foster parent, guardian or  
34 other similar person responsible for the long-term general care  
35 and welfare of the person under the age of 18 years who furnished  
36 that person with cigarettes, cigarette paper or any other tobacco  
37 product in the defendant's home for use in the defendant's home.  
38 It is an affirmative defense to prosecution under this subsection  
39 that the defendant sold cigarettes, cigarette paper or any other  
40 tobacco product to a person under the age of 18 years who  
41 furnished fraudulent proof of age.

42       **2. Prohibition; purchase by minors; penalty.** It ~~shall be~~  
43 is unlawful for any person under the age of 18 years to purchase  
44 cigarettes, cigarette paper or any other tobacco product.

46 Any person who violates this subsection commits a civil violation  
47 for which a forfeiture of not less than ~~\$10 nor more than \$50~~ \$25  
48 nor more than \$200 may be adjudged for each violation. The  
49 judge, as an alternative to or in addition to the civil  
50 forfeitures permitted by this subsection, may assign the violator

2 to perform specified work for the benefit of the State, the  
municipality or other public entity or a charitable institution.

4 **3. Display of prohibition against sales to minors.** All  
dealers and distributors of tobacco products shall post notice of  
6 this section prohibiting tobacco and cigarette paper sales to  
persons under the age of 18 years. Notices ~~shall~~ must be  
8 publicly and conspicuously displayed in the dealers' or  
distributors' places of business in letters at least 3/8 inches  
10 high. Signs required by this section may be provided at cost by  
the Bureau of Liquor Enforcement. Any person who violates this  
12 subsection commits a civil violation for which a forfeiture of  
not less than \$50 nor more than \$200 may be adjudged for any one  
14 offense.

16 **4. Cigarette paper defined.** As used in this section, the  
term "cigarette paper" means those paper or paper-like products  
18 used to roll cigarettes, which by advertising, design or use  
facilitate the use of tobacco or other products for inhalation.  
20

#### 22 STATEMENT OF FACT

24 This bill increases the fine for furnishing cigarettes to  
minors from \$10 to \$100 and from \$25 to \$200. The bill extends  
26 the prohibition to cigarette paper.