



## 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

Legislative Document

No. 1428

H.P. 1060

House of Representatives, May 4, 1993

An Act to Amend the Laws Governing Vending Machine Sales of Cigarettes.

Reference to the Committee on Business Legislation suggested and ordered printed.

JOSEPH W. MAYO, Clerk

Presented by Representative ROWE of Portland.

Cosponsored by Representatives: AHEARNE of Madawaska, CHASE of China, DRISCOLL of Calais, FAIRCLOTH of Bangor, HEESCHEN of Wilton, JOHNSON of South Portland, KNEELAND of Easton, PLOWMAN of Hampden, RICHARDSON of Portland, ROBICHAUD of Caribou, TOWNSEND of Portland, Senator: LAWRENCE of York.

	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 22 MRSA §1628, sub-§2, as amended by PL 1989, c. 445,
<u>4</u>	$\S9$ , is repealed and the following enacted in its place:
6	2. Violation. Violations of the section are as follows.
8	A. It is unlawful for any person, firm or corporation to knowingly distribute or sell cigarettes or any other tobacco
10	products from a vending machine except for a vending machine located in plain view and under the direct control and
12	<u>supervision of the person in charge of the location or a</u> <u>designated agent or employee and located inside the</u>
14	following facilities:
16 18	(1) A facility licensed as a Class A lounge under Title 28-A, section 1065 or a tavern under Title 28-A, section 1066-A;
10	Section 1000-A;
20	(2) A place of employment that has an insignificant portion of its workforce comprised of people under the
22	<u>age of 18 years and where the location of the machine</u> is not accessible to the general public; and
24	(3) Other facilities where minors are not permitted
26	access either by law or by policy of the owners of those facilities.
28	B. It is unlawful for any person, firm or corporation to
30	knowingly distribute or sell cigarettes or any other tobacco products from a vending machine to minors.
32	Sec. 2. 22 MRSA §1628, sub-§3, as enacted by PL 1987, c. 127,
34	is amended to read:
36	<b>3. Penalty.</b> Any person, firm or corporation, in control of a facility in which a vending machine is located, who violates
38	this section commits a civil violation for which a forfeiture of not less than $$199 \ $500$ nor more than $$599 \ $2,500$ may be adjudged
40	or for which the person, firm or corporation may be prohibited, for a period of not more than 6 months, from having a cigarette
42	vending machine located on the premises, or both.
44	Sec. 3. 22 MRSA §1628, last ¶, as enacted by PL 1987, c. 127, is repealed.
46 <sup>`</sup>	-
48	STATEMENT OF FACT
50	This bill makes it unlawful to sell cigarettes out of a
52	vending machine when the machine is located in an area other than
	Page 1-LR1516(1)
	T. D. 1428

)

·,

)

!

)

Ξ.

•

where minors are not allowed by law. This bill also mirrors the penalties for violating the vending machine prohibitions.

Page 2-LR1516(1) L.D.1428

2