

MAINE STATE LEGISLATURE

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m
R. of S.

L.D. 1635

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DATE: March 13, 1996

(Filing No. S- 471)

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LEGAL AND VETERANS AFFAIRS

Reported by: Senator FERGUSON of Oxford for the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
SECOND REGULAR SESSION**

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COMMITTEE AMENDMENT " A " to S.P. 628, L.D. 1635, Bill, "An
Act to Amend the Law Concerning Tobacco Use by Juveniles"

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Amend the bill by inserting after the enacting clause the
following:

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'Sec. 1. 22 MRSA §1553, sub-§4, ¶A, as enacted by PL 1995, c.
470, §9 and affected by §19, is amended to read:

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A. The sale or transfer of stock of a corporate licensee
whose stock is not publicly traded that results in the sale
or transfer of more than 10% of the shares of stock of the
corporate licensee;

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Sec. 2. 22 MRSA §1553, sub-§4, ¶A-1 is enacted to read:

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A-1. The sale or transfer of stock of a corporate licensee
whose stock is publicly traded that results in the sale or
transfer of more than 51% of the voting shares of the
corporate licensee;

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Sec. 3. 22 MRSA §1555, sub-§1, ¶B, as enacted by PL 1995, c.
470, §9 and affected by §19, is amended to read:

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B. It is an affirmative defense to prosecution under this
subsection that the defendant sold or distributed
cigarettes, cigarette paper or any other tobacco product to
a person under 18 years of age who furnished fraudulent
proof of age.'

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COMMITTEE AMENDMENT "A" to S.P. 628, L.D. 1635

2 Further amend the bill in section 1 in subsection 2 in the
last line (page 1, line 11 in L.D.) by inserting at the end the
4 following sentence: 'All other civil violations under this
chapter are within the jurisdiction of the Administrative Court
pursuant to section 1557, subsection 1.'

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8 Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
10 consecutively.

12 **STATEMENT OF FACT**

14 This amendment does the following.

16 1. It makes a technical change to the bill to clarify that
the Administrative Court has exclusive jurisdiction over all
18 civil violations by tobacco licensees and their agents of the
laws related to retail tobacco sales.

20 2. It amends the laws related to transfers of retail
22 tobacco licenses. Currently a corporate retail tobacco licensee
must surrender its license if more than 10% of the shares of the
24 stock are sold or transferred. Under this amendment, a
distinction is made between privately held and publicly traded
26 corporate entities. For corporations whose stock is not publicly
traded, the threshold remains sale or transfer of more than 10%
28 of the shares of the corporation. For corporations whose shares
are publicly traded, the threshold is increased to more than 51%
30 of the voting shares.

32 3. It amends the laws related to the sale or distribution
of tobacco to minors to provide that it is an affirmative defense
34 to prosecution that the defendant distributed tobacco products to
a person under 18 years of age who furnished fraudulent proof of
36 age. This affirmative defense is currently available to
defendants accused of selling tobacco products to minors.

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