



118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 412

S.P. 133

In Senate, January 23, 1997

An Act to Require the Purchaser of Tobacco Products to Produce Suitable Identification.

Reference to the Committee on Health and Human Services suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator MILLS of Somerset. Cosponsored by Representative: TOWNSEND of Portland.

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

2

28

30

32

34

36

38

44

46

Sec. 1. 22 MRSA §1555, sub-§1, as amended by PL 1995, c. 593, §3, is further amended to read:

6 Sale and distribution; penalty. A person may not 1. knowingly sell, furnish, give away or offer to sell, furnish or give away cigarettes, cigarette paper or any other tobacco 8 product to any person under 18 years of age or to any individual who does not demonstrate through either a driver's license or 10 identification card containing a photograph issued by a 12 government agency that the individual is at least 18 years of age. A person in the business of selling or otherwise 14distributing cigarettes, cigarette paper or other tobacco products for profit or an employee or agent of that person may not, in the course of that person's business, distribute free any 16 cigarette, cigarette paper or other tobacco product to any person 18 under 18 years of age in any place, including, but not limited to, a public way or sidewalk, public park or playground, public 20 school or other public building or an entranceway, lobby, hall or other common area of a private building, shopping center or mall. 22

It is a civil violation for any person, firm or corporation to knowingly distribute or sell cigarettes or any other tobacco product from a vending machine to a person under 18 years of age. Violators are subject to the penalties established in this section.

A. Any person who violates this subsection commits a civil violation for which a fine of not less than \$50 nor more than \$1,500, plus court costs, may be adjudged for any one offense. Any employer of a person who violates this subsection commits a civil violation for which a fine of not less than \$50 nor more than \$1,500, plus court costs, may be adjudged. In all cases of violations, the court shall impose a fine that may not be suspended, except pursuant to Title 15, section 3314.

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.

SUMMARY

48 This bill forbids the sale of tobacco products to an individual who does not provide appropriate proof that the person is at least 18 years of age.

Page 1-LR1596(1)