

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1056

S.P. 316

In Senate, February 13, 1997

**An Act to Authorize Courts to Suspend Driving Privileges for Youth  
Who Violate Tobacco Laws.**

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Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator MILLS of Somerset.

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

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4       **Sec. 1. 22 MRSA §1555, sub-§2**, as enacted by PL 1995, c. 470,  
§9 and affected by §19, is amended to read:

6       **2. Prohibition; false identification, purchase, possession**  
8       **and use by juveniles; forfeitures.** It is unlawful for any person  
10       under 18 years of age to offer false identification in an attempt  
12       to purchase any tobacco products or to purchase, possess or use  
cigarettes, cigarette paper or any other tobacco product. Any  
person who violates this section commits a civil violation for  
which the following forfeitures may be adjudged.

14       A. For a first offense, a forfeiture of not less than \$100  
16       and not more than \$300 may be imposed. The judge, as an  
18       alternative to or in addition to the forfeiture permitted by  
20       this subsection, may assign the violator to perform  
specified work for the benefit of the State, the  
municipality or other public entity or a charitable  
institution.

22       B. For a 2nd offense, a forfeiture of not less than \$200  
24       and not more than \$500 may be imposed. The judge, as an  
26       alternative to or in addition to the forfeiture permitted by  
28       this subsection, may assign the violator to perform  
30       specified work for the benefit of the State, the  
municipality or other public entity or a charitable  
institution. The court may suspend for a period of 20 days  
the operator's license or right to operate, or right to  
obtain a license of a person under 18 years of age who is  
found in violation of this paragraph. The court shall  
immediately forward the license to the Secretary of State  
together with the record of adjudication.

34       C. For all subsequent offenses, a forfeiture of \$500 must  
36       be imposed and that forfeiture may not be suspended. The  
38       judge, in addition to the forfeiture permitted by this  
40       subsection, may assign the violator to perform specified  
42       work for the benefit of the State, the municipality or other  
44       public entity or a charitable institution. The court may  
recommend a further suspension of the license for an  
additional period not to exceed a total of 60 days, in which  
case the recommendation must be noted in the abstract of  
adjudication sent to the Secretary of State.

46       Upon receipt of the record, the Secretary of State shall suspend  
48       the license or right to operate or right to obtain a license of  
50       the person under 18 years of age for the recommended period not  
52       to exceed 60 days, including the 20-day suspension imposed by the  
court, without further hearing. The Secretary of State shall  
also assign demerit points according to Title 29-A, section 2458.

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## SUMMARY

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This bill amends the existing law to strengthen the penalties the court may impose on persons under 18 years of age for the purchase, possession and use of tobacco products or use of false identification to purchase tobacco products. These provisions are similar to the ones imposed on minors who are convicted of illegal possession or transportation of alcohol.

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