

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

HOUSE AMENDMENT "A" to H.P. 1357, L.D. 1904, Bill, "An Act to Discourage Smoking, Provide Tax Relief and Improve the Health of Maine Citizens"

Amend the bill by striking out the title and substituting the following:

'An Act to Discourage Smoking and Improve the Health of Maine Citizens'

Further amend the bill by striking out everything after the enacting clause and the summary and inserting in its place the following:

'Sec. 1. 22 MRSA §1555-B, sub-§2, as enacted by PL 1997, c. 305, §5, is repealed and the following enacted in its place:

2. Sales to minors prohibited. A person may not sell, furnish, give away or offer to sell, furnish or give away a tobacco product to any person under 18 years of age.

Sec. 2. 22 MRSA §1555-B, sub-§2-A is enacted to read:

2-A. Identification. Tobacco products may not be sold at retail to any person under 27 years of age unless the seller first verifies that person's age by means of reliable photographic identification containing the person's date of birth.

Sec. 3. 22 MRSA §1555-B, sub-§§5-A and 5-B are enacted to read:

5-A. Possession of tobacco by minors prohibited. A person under 18 years of age may not possess tobacco or tobacco products.

5-B. Use of tobacco products by minors in public prohibited. A person under 18 years of age may not smoke tobacco or use tobacco products in public.

2 **Sec. 4. 22 MRSA §1555-B, sub-§8**, as enacted by PL 1997, c.
305, §5, is amended to read:

4 **8. Fines and forfeitures.** Violations of this section are
subject to fines and forfeitures according to this subsection.

6
8 A. A person who violates subsection 1, 2, 3 or 4 commits a
civil violation for which a fine of not less than \$50 ~~\$100~~
10 nor more than \$1,500, plus court costs, may be adjudged for
any one offense. An employer of a person who violates
12 subsection 1, 2, 3 or 4 commits a civil violation for which
a fine of not less than \$50 ~~\$100~~ nor more than \$1,500, plus
14 court costs, may be adjudged. For a violation, the court
shall impose a fine that may not be suspended, except
16 pursuant to Title 15, section 3314.

18 B. A person who violates subsection 2 commits a civil
violation for which the following forfeitures may be
adjudged.

20 (1) For a first offense, a forfeiture of not less than
22 ~~\$100~~ \$150 and not more than ~~\$300~~ \$500 may be imposed.
The judge, as an alternative to or in addition to the
24 forfeiture permitted by this subparagraph, may assign
the violator to perform specified work for the benefit
26 of the State, the municipality or other public entity
or a charitable institution.

28 (2) For a 2nd offense, a forfeiture of not less than
30 ~~\$200~~ \$250 and not more than ~~\$500~~ \$750 ~~may~~ must be
imposed and that forfeiture may not be suspended. The
32 judge, ~~as an alternative to or~~ in addition to the
forfeiture permitted by this subparagraph, may assign
34 the violator to perform specified work for the benefit
of the State, the municipality or other public entity
36 or a charitable institution.

38 (3) For all subsequent offenses, a forfeiture of not
less than \$500 and not more than \$1,000 must be imposed
40 and that forfeiture may not be suspended. The judge,
in addition to the forfeiture permitted by this
42 subparagraph, may assign the violator to perform
specified work for the benefit of the State, the
44 municipality or other public entity or a charitable
institution.

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48 C. A person who violates subsection 6 commits a civil
violation for which a forfeiture of not less than \$50 nor
50 more than \$200 may be adjudged for any one offense.

2 D. A person who violates subsection 5 or 5-A commits a
3 civil violation for which the following forfeitures may be
4 adjudged.

5 (1) For a first offense, a forfeiture of not less than
6 \$50 and not more than \$250 may be imposed. The judge,
7 as an alternative to or in addition to the forfeiture,
8 may assign the violator to perform specified work for
9 the benefit of the State, the municipality or other
10 public entity or a charitable institution.

11 (2) For a 2nd offense and all subsequent offenses, a
12 forfeiture of not less than \$100 and not more than \$500
13 must be imposed. The judge, in addition to the
14 forfeiture, may assign the violator to perform
15 specified work for the benefit of the State, the
16 municipality or other public entity or a charitable
17 institution.

18
19 E. A person who violates subsection 5-B commits a civil
20 violation for which the following forfeitures may be
21 adjudged.

22 (1) For a first offense, a forfeiture of not less than
23 \$100 and not more than \$250 may be imposed. The judge,
24 as an alternative to or in addition to the forfeiture,
25 may assign the violator to perform specified work for
26 the benefit of the State, the municipality or other
27 public entity or a charitable institution.

28 (2) For a 2nd offense and all subsequent offenses, a
29 forfeiture of not less than \$150 and not more than \$500
30 must be imposed. The judge, in addition to the
31 forfeiture, may assign the violator to perform
32 specified work for the benefit of the State, the
33 municipality or other public entity or a charitable
34 institution.'

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40 **FISCAL NOTE**

41 The additional workload and administrative costs associated
42 with the number of new cases filed in the court system can be
43 absorbed within the budgeted resources of the Judicial
44 Department. The collection of additional fines may increase
45 General Fund revenue. The amounts of General Fund revenue can
46 not be determined at this time.

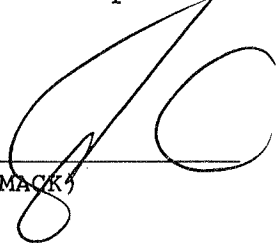
SUMMARY

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The original bill proposed certain measures to discourage
smoking and improve the health of Maine citizens. This amendment
strikes the bill and proposes different measures to discourage
smoking. The amendment increases the penalties for merchants who
sell tobacco to minors. The amendment also increases the
penalties for minors who purchase tobacco and who smoke in public.

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SPONSORED BY: 
(Representative MACK)

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TOWN: Standish

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