MAINE STATE LEGISLATURE

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	L.D. 1904
2	DATE: 6-20-97 (Filing No. H-772)
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6	Reproduced and distributed under the direction of the Clerk of the House.
8	STATE OF MAINE
10	HOUSE OF REPRESENTATIVES 118TH LEGISLATURE
12	FIRST SPECIAL SESSION
14	HOUSE AMENDMENT " $\widehat{\mathcal{H}}$ " to H.P. 1357, L.D. 1904, Bill, "An Act
16	to Discourage Smoking, Provide Tax Relief and Improve the Health of Maine Citizens"
20	Amend the bill by striking out the title and substituting the following:
22	'An Act to Discourage Smoking and Improve the Health of Maine Citizens'
24	
26	Further amend the bill by striking out everything after the enacting clause and the summary and inserting in its place the following:
28	
30	'Sec. 1. 22 MRSA §1555-B, sub-§2, as enacted by PL 1997, c. 305, §5, is repealed and the following enacted in its place:
32	2. Sales to minors prohibited. A person may not sell, furnish, give away or offer to sell, furnish or give away a
34	tobacco product to any person under 18 years of age.
36	Sec. 2. 22 MRSA §1555-B, sub-§2-A is enacted to read:
38	2-A. Identification. Tobacco products may not be sold at retail to any person under 27 years of age unless the seller
40	first verifies that person's age by means of reliable photographic identification containing the person's date of birth.
42	Sec. 3. 22 MRSA §1555-B, sub-§§5-A and 5-B are enacted to read:
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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.

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

- 8. Fines and forfeitures. Violations of this section are subject to fines and forfeitures according to this subsection.
 - 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 nor more than \$1,500, plus court costs, may be adjudged for any one offense. An employer of a person who violates 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 court costs, may be adjudged. For a violation, the court shall impose a fine that may not be suspended, except pursuant to Title 15, section 3314.
 - B. A person who violates subsection 2 commits a civil violation for which the following forfeitures may be adjudged.
 - (1) For a first offense, a forfeiture of not less than \$100 \$150 and not more than \$300 \$500 may be imposed. The judge, as an alternative to or in addition to the forfeiture permitted by this subparagraph, may assign the violator to perform specified work for the benefit of the State, the municipality or other public entity or a charitable institution.
 - (2) For a 2nd offense, a forfeiture of not less than \$290 \$250 and not more than \$500-may \$750 must be imposed and that forfeiture may not be suspended. The judge, as-an-alternative-te-er in addition to the forfeiture permitted by this subparagraph, may assign the violator to perform specified work for the benefit of the State, the municipality or other public entity or a charitable institution.
 - (3) For all subsequent offenses, a forfeiture of not less than \$500 and not more than \$1,000 must be imposed and that forfeiture may not be suspended. The judge, in addition to the forfeiture permitted by this subparagraph, may assign the violator to perform specified work for the benefit of the State, the municipality or other public entity or a charitable institution.
 - C. A person who violates subsection 6 commits a civil violation for which a forfeiture of not less than \$50 nor more than \$200 may be adjudged for any one offense.

HOUSE AMENDMENT

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	44	Department. The collection of additional fines may increase

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General Fund revenue. The amounts of General Fund revenue can

not be determined at this time.

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HOUSE AMENDMENT

SUMMARY

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	The original bill proposed certain measures to discourage
4	smoking and improve the health of Maine citizens. This amendment
	strikes the bill and proposes different measures to discourage
6	smoking. The amendment increases the penalties for merchants who
	sell tobacco to minors. The amendment also increases the
8	penalties for minors who purchase tobacco and who smoke in public.
10	
12	
	SPONSORED BY:
14	(Representative MACK)
16	TOWN: Standish

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