

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

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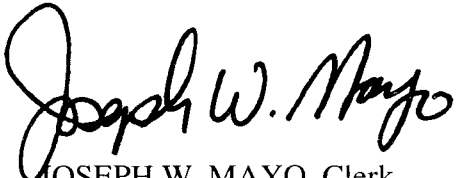
H.P. 1126

House of Representatives, March 2, 1999

An Act to Prohibit Self-service Tobacco Displays.

(EMERGENCY)

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


JOSEPH W. MAYO, Clerk

Presented by Representative POVICH of Ellsworth.

Cosponsored by Representatives: GOOLEY of Farmington, McALEVEY of Waterboro,
MUSE of South Portland, PEAVEY of Woolwich, PIEH of Bremen, SHERMAN of Hodgdon,
TOBIN of Dexter, Senator: NUTTING of Androscoggin.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 Whereas, tobacco products are readily accessible to minors;
6 and

8 Whereas, tobacco products displays make tobacco products
appealing to minors; and

10 Whereas, access to tobacco products by minors is gained
12 through theft of cigarettes and smokeless tobacco from counter
displays in retail stores; and

14 Whereas, the sooner displays are removed, the more difficult
16 it will be for minors to access tobacco products; and

18 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
20 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
22 safety; now, therefore,

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

26 **Sec. 1. 22 MRSA §1551, sub-§4,** as enacted by PL 1995, c, 470,
§9 and affected by §19 is repealed.

28 **Sec. 2. 22 MRSA §1551-A, sub-§1,** as enacted by PL 1995, c.
30 470, §9 and affected by §19, is amended to read:

32 **1. Retail tobacco license.** It is unlawful for any person,
partnership or corporation that engages in retail sales,
34 ~~including--retail--sales--through--vending--machines~~ or in free
distribution of tobacco products, to sell, keep for sale or give
36 away in the course of trade any tobacco products to anyone
without first obtaining a retail tobacco license from the
38 department, in accordance with this chapter.

40 **Sec. 3. 22 MRSA §1552, sub-§3,** as enacted by PL 1995, c. 470,
§9 and affected by §19, is amended to read:

42 **3. Multiple licenses.** A licensee applying for licenses to
44 operate more than one premises ~~or--more--than--one--vending--machine~~
shall obtain a separate license for each premises and--each
46 ~~machine~~ and shall pay the fee prescribed for each premises and
each-machine.

48 **Sec. 4. 22 MRSA §1553-A,** as amended by PL 1997, c. 305, §2,
50 is repealed.

52 **Sec. 5. 22 MRSA §1555-B, sub-§1-A** is enacted to read:

1-A. Public access display prohibited. Tobacco products sold at retail may not be displayed in a manner that is accessible to the public.

Sec. 6. 22 MRSA §1555-B, sub-§3, as enacted by PL 1997, c. 305, §5, is repealed.

Sec. 7. 22 MRSA §1555-B, sub-§8, ¶A, as enacted by PL 1997, c. 305, §5, is amended to read:

A. A person who violates subsection 1, 1-A, ~~2~~ or 4 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. An employer of a person who violates subsection 1, 1-A, ~~2~~-3 or 4 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 a violation, the court shall impose a fine that may not be suspended, except pursuant to Title 15, section 3314.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

SUMMARY

This bill prohibits the display of tobacco products and promotional displays of tobacco products within businesses. The bill prohibits self-service merchandising of tobacco products.