MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-1999

Legislative Document

No. 2316

S.P. 897

In Senate, December 27, 1999

An Act to Prevent Gray Market Cigarette Sales.

Submitted by the Department of the Attorney General pursuant to Joint Rule 204. Received by the Secretary of the Senate on December 27, 1999. Referred to the Committee on Taxation and ordered printed pursuant to Joint Rule 308.2

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator MICHAUD of Penobscot. Cosponsored by Representative: TOWNSEND of Portland.

	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 36 MRSA §4366-C is enacted to read:
4	•
б	\$4366-C. Sales of cigarettes in contravention of law
-	1. Cigarettes: stamps not affixed. A dealer or distributor
8	may not affix a stamp to a package of cigarettes if the package:
10	A. Does not comply with the Federal Cigarette Labeling and Advertising Act, 15 United States Code, Section 1331, et
12	seg., for the placement of labels, warnings or any other information for a package of cigarettes to be sold within
14	the United States:
16	B. Is labeled "For Export Only," "U.S. Tax Exempt," "For Use Outside U.S." or with other wording indicating that the
18	<pre>manufacturer did not intend that the product be sold in the United States:</pre>
20	C. Has been altered by adding or deleting wording, labels
22	or warnings described in paragraphs A and B:
24	D. Has been imported into the United States in violation of 26 United States Code, Section 5754; or
26	E. In any way violates federal trademark or copyright laws.
28	Deceptive practice. Selling a package of cigarettes
30	described in subsection 1, with or without a stamp, is an unfair or deceptive act or practice under the Maine Unfair Trade
32	Practices Act.
34	3. Penalties. Any dealer or distributor who affixes stamps to cigarettes in violation of this section is subject to the same
36	penalties as provided in section 4366-B, subsection 4.
38	SUMMARY
40	This bill prevents the sale of so-called "gray market
42	cigarettes," which are sold in contravention of law.