

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1267

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H.P. 953

House of Representatives, February 28, 2001

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**An Act to Discourage Sales of Tobacco to Minors.**

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

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative SCHNEIDER of Durham.  
Cosponsored by President Pro Tem BENNETT of Oxford and  
Representatives: BRUNO of Raymond, DUNLAP of Old Town, FULLER of Manchester,  
LOVETT of Scarborough, SHIELDS of Auburn, WATERHOUSE of Bridgton, Senator:  
DAVIS of Piscataquis.

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

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4       **Sec. 1. 15 MRSA §3314, sub-§3-A**, as amended by PL 1995, c. 65,  
Pt. A, §49 and affected by §153 and Pt. C, §15, is further  
amended to read:

6  
8       **3-A. Operator's license suspension for tobacco and drug**  
offenses. The court may suspend for a period of 6 months the  
10 license or permit to operate, right to operate a motor vehicle  
and right to apply for and obtain a license of any person who  
12 violates Title 17-A, chapter 45, or Title 22, section 1555-B or  
2383, and is adjudicated pursuant to this chapter to have  
committed a juvenile crime.

14       The court shall give notice of suspension and take physical  
16 custody of an operator's license or permit as provided in Title  
29-A, section 2434. The court shall immediately forward the  
18 operator's license and a certified abstract of suspension to the  
Secretary of State.

20       **Sec. 2. 22 MRSA §1555-B, sub-§5**, as amended by PL 1997, c.  
22 578, §1, is further amended to read:

24       **5. Purchase, possession and use of cigarettes, cigarette**  
papers or tobacco products; use of false identification by minors  
26 prohibited. Except as provided in paragraph A, a person under 18  
years of age may not purchase, attempt to purchase, possess or  
28 use cigarettes, cigarette paper or any tobacco product or offer  
false identification in an attempt to purchase any tobacco  
30 products or to purchase, possess or use cigarettes, cigarette  
paper or any other tobacco product.

32       A. A person under 18 years of age may transport or permit  
34 to be transported in a motor vehicle cigarettes, cigarette  
paper or tobacco products in the original, sealed package in  
36 which they were placed by the manufacturer if the  
transportation is in the scope of that person's employment.

38       **Sec. 3. 22 MRSA §1555-B, sub-§8, ¶A**, as enacted by PL 1997, c.  
40 305, §5, is amended to read:

42       A. A person who violates subsection 1, 2, 3 or 4 commits a  
civil violation for which a fine of not less than \$50 nor  
44 more than \$1,500, plus court costs, may be adjudged for any  
one offense. An employer of a person who violates  
46 subsection 1, 2, 3 or 4 commits a civil violation for which  
a fine of not less than \$50 nor more than \$1,500, plus court  
48 costs, may be adjudged. The fine for the employer of a  
person who violates subsection 1, 2, 3 or 4 is twice the  
50 fine imposed on the person who committed the civil

2 violation. For a violation, the court shall impose a fine  
that may not be suspended, except pursuant to Title 15,  
section 3314.

4  
6 **Sec. 4. 22 MRSA §1555-B, sub-§8, ¶B,** as amended by PL 1997, c.  
393, Pt. D, §1, is further amended to read:

8 B. A person who violates subsection 5 commits a civil  
violation for which the following ~~forfeitures~~ may be  
10 adjudged.

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

20 (2) For a 2nd offense, a forfeiture of not less than  
\$200 and not more than \$500 may be imposed. The judge,  
22 as an alternative to or in addition to the forfeiture  
permitted by this subparagraph, may assign the violator  
24 to perform specified work for the benefit of the State,  
the municipality or other public entity or a charitable  
26 institution.

28 (3) For all subsequent offenses, a forfeiture of \$500  
must be imposed and that forfeiture may not be  
30 suspended. The judge, in addition to the forfeiture  
permitted by this subparagraph, may assign the violator  
32 to perform specified work for the benefit of the State,  
the municipality or other public entity or a charitable  
34 institution.

36 (4) The court may suspend, for a period of up to 6  
months, the license or permit to operate a motor  
38 vehicle, the right to operate a motor vehicle and the  
right to apply for and obtain a license. The court  
40 shall give notice of suspension and take physical  
custody of an operator's license or permit as provided  
42 in Title 29-A, section 2434. The court shall  
44 immediately forward the operator's license and a  
certified abstract of suspension to the Secretary of  
46 State.

48 **Sec. 5. 22 MRSA §1558, sub-§9** is enacted to read:

50 9. Uniformity. All fines, suspensions and revocations must  
be applied evenly and fairly regardless of volume of business  
transacted by or number of licenses held by a licensee.

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## SUMMARY

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6           This bill discourages the illegal sale of tobacco products  
8 to minors by ensuring that both the person who makes the sale and  
10 the owner of the establishment are prosecuted. The bill further  
penalizes minors for attempting to purchase tobacco and gives the  
court the authority to suspend a minor's driver's license after  
adjudication. The bill also provides uniformity in penalties for  
all tobacco sellers.