

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1794

H.P. 1339

House of Representatives, May 8, 2001

**An Act Requiring Cigarette Distributors to Determine Compliance of
Manufacturers with Tobacco Manufacturers Laws.**

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Speaker SAXL of Portland. (GOVERNOR'S BILL)
Under suspension of the rules, cosponsored by President MICHAUD of Penobscot and
Representatives: BRUNO of Raymond, COLWELL of Gardiner, NORBERT of Portland,
SCHNEIDER of Durham, Senators: President Pro Tem BENNETT of Oxford, DAGGETT of
Kennebec, DAVIS of Piscataquis, SMALL of Sagadahoc, TREAT of Kennebec.

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

4 **Sec. 1. 36 MRSA §4383 is enacted to read:**

6 **§4383. Distributor responsibilities**

8 **1. Distributor's determination of manufacturer compliance.**

10 A distributor may not affix, or cause to be affixed, stamps to individual packages of cigarettes sold or distributed by the distributor in this State if the tobacco product manufacturer of those cigarettes has:

12 A. Failed to become a participating manufacturer pursuant to Title 22, section 1580-I, subsection 1; and

14 B. Failed to create a qualified escrow fund pursuant to Title 22, section 1580-I, subsection 2 for any cigarettes the distributor sold or distributed for that tobacco product manufacturer.

16 As used in this section, "tobacco product manufacturer" has the same meaning as that term is defined in Title 22, section 1580-H, subsection 9.

18 **2. Penalties.** A distributor who violates this section is subject to the same penalties as provided in section 4366-B, subsection 4.

20 **SUMMARY**

22 **32** This bill provides an additional tool to enforce compliance with tobacco manufacturers laws, Maine Revised Statutes, Title 22, sections 1580-G to 1580-I. This bill requires a cigarette distributor to confirm that tobacco product manufacturers for whom it distributes cigarettes are in compliance with the law.

34 **38** A tobacco product manufacturer is in compliance with the law if it participates in the Master Settlement Agreement or it places specified amounts in an escrow fund.