

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1516

S.P. 508

In Senate, April 2, 2003

An Act To Prevent Certain Deliveries of Tobacco Products

Submitted by the Department of the Attorney General pursuant to Joint Rule 204.
Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MARTIN of Aroostook.

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

4 **Sec. 1. 22 MRSA §1551, sub-§§2-A and 2-B** are enacted to read:

6 2-A. Person. "Person" means an individual or a corporation, partnership or unincorporated association.

8 2-B. Tobacco distributor. "Tobacco distributor" has the same meaning as "distributor" as defined in Title 36, sections 4361 and 4401.

12 **Sec. 2. 22 MRSA §1551, sub-§3-A** is enacted to read:

14 3-A. Tobacco retailer. "Tobacco retailer" means a person, whether located inside or outside the borders of the State, who sells or distributes tobacco products to a consumer in the State.

18 **Sec. 3. 22 MRSA §1554-B** is enacted to read:

20 **§1554-B. Illegal delivery of tobacco products**

22 1. Illegal delivery of tobacco products. A person may not knowingly transport to or cause to be delivered to any person located within this State any tobacco product not purchased from a person licensed as a tobacco retailer by the State. This provision does not apply to the transportation or delivery of tobacco products to a licensed tobacco retailer or a licensed tobacco distributor.

30 2. Penalty. A person who violates this section commits a civil violation for which a fine of not less than \$50 nor more than \$1,500 may be adjudged for each violation. An employer of a person who, while working within the scope of that person's employment, violates this section commits a civil violation for which a fine of not less than \$50 nor more than \$1,500 may be adjudged for each violation. In all cases of violations, the court shall impose a fine that may not be suspended.

38 3. Injunctive relief. In the event the Attorney General has reasonable cause to believe that a person is engaged in, or has engaged in, any act that would constitute a violation of this section, the Attorney General may bring a civil action for injunctive relief, including a preliminary or final injunction, against the person as the Attorney General determines to be necessary to restrain the person from engaging or continuing to engage in the violation or to enforce compliance with this section.

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SUMMARY

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This bill prohibits delivery of any tobacco products that are not purchased from a tobacco retailer licensed by the State and requires any person, partnership, organization or corporation to obtain a Maine retail tobacco license in order to ship tobacco products into Maine. The bill authorizes the Attorney General to initiate a civil action seeking injunctive relief to restrain a person from violating the prohibition.