

# MAINE STATE LEGISLATURE

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L.D. 1587

DATE: 5-16-03

(Filing No. H-408)

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**TAXATION**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1160, L.D. 1587, Bill, "An Act Regarding Distribution of Tobacco Products"

Amend the bill in section 1 in that part designated "~~§1580-L.~~" in subsection 10 in the last line (page 6, line 35 in L.D.) by inserting after the following: "states." the following: 'The Attorney General shall provide notice to the Department of Administrative Services, Bureau of Revenue Services of those persons certified under this section.'

Further amend the bill in section 1 in that part designated "~~§1580-L.~~" by striking out all of subsections 15 and 16 and inserting in their place the following:

'15. Unlawful acts. A person may not:

A. Sell or distribute cigarettes in violation of subsection 7;

B. Violate paragraph A after having been previously convicted of a violation of this section;

C. Acquire, hold, own, possess, transport, import or cause to be imported cigarettes that the person knows or should have known are intended for distribution or sale in the State in violation of subsection 7; or

D. Violate paragraph C after having been previously convicted of a violation of this section.

16. Criminal penalty. A violation of this section is a

2 Class E crime except that violation of this section is a Class D  
3 crime when the person has one or more prior convictions for  
4 violation of this section. Title 17-A, section 9-A governs the  
5 use of prior convictions when determining a sentence.

6 Each stamp affixed and each offer to sell cigarettes in violation  
7 of subsection 7 constitutes a separate violation.'

10 **SUMMARY**

12 This amendment requires the Attorney General to notify the  
13 Department of Administrative and Financial Services, Bureau of  
14 Revenue Services of certified tobacco products manufacturers.  
15 The amendment also makes technical corrections to violations and  
16 penalty subsections to be consistent with the MCJUSTIS drafting  
17 directives pursuant to Resolve 1997, chapter 105, as amended.  
18 The purpose is to provide that each separate offense has a unique  
19 statutory cite to enable computerized databases and accurate  
20 tracking of offenses and offenders.

**FISCAL NOTE REQUIRED**  
(See attached)

**121st Maine Legislature  
Office of Fiscal and Program Review**



**LD 1587**

**An Act Regarding Distribution of Tobacco Products**

**LR 1819(02)**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Taxation**

**Fiscal Note Required: Yes**

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**Fiscal Note**

Minor cost increase - General Fund  
Minor revenue increase - General Fund

**Correctional and Judicial Impact Statements:**

Establishes new Class E crimes