

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 885

S.P. 293

In Senate, February 22, 2005

An Act To Discourage Further the Sale of Tobacco to Minors

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 TURNER of Cumberland.
Cosponsored by Senators: MAYO of Sagadahoc, MITCHELL of Kennebec, Representatives:
DAVIS of Falmouth, DUPLESSIE of Westbrook, MILLER of Somerville, MILLS of
Farmington, NORTON of Bangor, PINGREE of North Haven.

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

Sec. 1. 22 MRSA §1541, sub-§7 is enacted to read:

7. Tobacco specialty store. "Tobacco specialty store" means a retail business under 2,000 square feet in which at least 60% of the business's gross revenue for the last calendar year was derived from the sale of tobacco or tobacco-related products. A tobacco specialty store may not permit anyone under 18 years of age to enter the premises, regardless of whether or not smoking is allowed.

Sec. 2. 22 MRSA §1542, sub-§2, ¶L, as enacted by PL 1993, c. 342, §1 and affected by §9, is amended to read:

L. Smoking is not prohibited in a ~~retail-store-under-2,000 square-feet-that-primarily-sells-tobacco-or-tobacco-related products~~ tobacco specialty store.

Sec. 3. 22 MRSA §1555-B, sub-§1, as enacted by PL 1997, c. 305, §5, is amended to read:

1. Retail sales. Tobacco products may be sold at retail only in a direct, face-to-face exchange in which the purchaser may be clearly identified and through the mail under procedures approved by the department to provide reliable verification that the purchaser is not a minor. For direct, face-to-face sales, employees who sell tobacco products must be at least 17 years of age. An employee who is at least 17 years of age but less than 21 years of age may sell tobacco products only in the presence of an employee who is at least 21 years of age and is in a supervisory capacity.

Sec. 4. 22 MRSA §1558, sub-§8, ¶A, as enacted by PL 1995, c. 470, §9 and affected by §19 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

A. The District Court shall maintain a record of all fines received by the court. Any fines received must be credited as follows: 1/2 to the Department of Health and Human Services in the a nonlapsing account established in section 1552,--subsection-4 to be used by the department to defray administrative costs of retail tobacco licensing and 1/2 to a nonlapsing account to be distributed twice a year to law enforcement agencies used by the Attorney General to support enforcement and responsible retailing education programs. Annually, the court shall report to the Office of Substance Abuse the total amount of fines collected ~~and to whom and in what amounts the collected fines were dispersed.~~

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SUMMARY

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This bill prohibits minors from entering tobacco specialty shops, imposes the same restrictions on who may sell tobacco products in retail establishments as are currently imposed for the retail sale of alcohol, redirects revenue from fines assessed by the courts for underage tobacco sales from the Criminal Justice Academy to the Office of the Attorney General and corrects an accounting inconsistency created when retail tobacco license fees were redirected to the General Fund in 2004.