

MAINE STATE LEGISLATURE

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ROFS

L.D. 589

Date: 6/13/11

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Minority

HEALTH AND HUMAN SERVICES

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STATE OF MAINE

HOUSE OF REPRESENTATIVES

125TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 447, L.D. 589, Bill, "An Act To Increase the Legal Age To Purchase, Use or Sell Tobacco Products"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 22 MRSA §1551, sub-§2, as enacted by PL 1995, c. 470, §9 and affected by §19, is amended to read:

2. Juvenile. "Juvenile" means ~~any individual~~ a person who is younger than ~~18~~ 19 years of age.

Sec. 2. 22 MRSA §1553-A, sub-§1, ¶¶B and C, as enacted by PL 1995, c. 470, §9 and affected by §19, are amended to read:

B. A sign must be affixed conspicuously to the front of the machine. The sign must:

(1) Contain lettering that is at least 3/8 inches in height; and

(2) State the following: "WARNING. It is unlawful for any person under the age of ~~18~~ 19 to purchase cigarettes in this State."

C. At all times during the hours the vending machine is accessible, it must be located within the unobstructed line of sight and under the direct supervision of an adult. That adult is responsible for preventing persons under ~~18~~ 19 years of age from purchasing cigarettes or any other tobacco product from that vending machine.

Sec. 3. 22 MRSA §1555-B, sub-§1, as amended by PL 2009, c. 398, §2 and affected by §6, is further 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. For direct, face-to-face sales, employees who sell tobacco products must be at least ~~17~~ 18 years of age. An employee who is at least ~~17~~ 18 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.

COMMITTEE AMENDMENT

1 **Sec. 4. 22 MRSA §1555-B, sub-§2**, as enacted by PL 1997, c. 305, §5, is
 2 amended to read:

3 **2. Sales to juveniles prohibited.** A person may not sell, furnish, give away or offer
 4 to sell, furnish or give away a tobacco product to any person under ~~18~~ 19 years of age.
 5 Tobacco products may not be sold at retail to any person under 27 years of age unless the
 6 seller first verifies that person's age by means of reliable photographic identification
 7 containing the person's date of birth.

8 **Sec. 5. 22 MRSA §1555-B, sub-§4**, as enacted by PL 1997, c. 305, §5 and
 9 amended by c. 526, §14, is further amended to read:

10 **4. Wholesale sales.** Tobacco products may be distributed at wholesale without a
 11 face-to-face exchange only in the normal course of trade and under procedures approved
 12 by the Bureau of Revenue Services to ensure that tobacco products are not provided to
 13 any person under ~~18~~ 19 years of age.

14 **Sec. 6. 22 MRSA §1555-B, sub-§5-A**, as enacted by PL 2003, c. 452, Pt. K, §8
 15 and affected by Pt. X, §2, is repealed and the following enacted in its place:

16 **5-A. Possession and use of cigarettes, cigarette papers or tobacco products by**
 17 **juveniles prohibited.** Except as provided in subsection 5-B, a person under 19 years of
 18 age may not purchase, possess or use cigarettes, cigarette papers or any tobacco product.

19 **Sec. 7. 22 MRSA §1555-B, sub-§5-B**, as enacted by PL 2003, c. 452, Pt. K, §8
 20 and affected by Pt. X, §2, is amended to read:

21 **5-B. Exception to possession by juvenile.** A person under ~~18~~ 19 years of age may
 22 transport or permit to be transported in a motor vehicle cigarettes, cigarette papers or
 23 tobacco products in the original sealed package in which they were placed by the
 24 manufacturer if the transportation is in the scope of that person's employment.

25 **Sec. 8. 22 MRSA §1555-B, sub-§5-C**, as enacted by PL 2003, c. 452, Pt. K, §8
 26 and affected by Pt. X, §2, is repealed and the following enacted in its place:

27 **5-C. Use of false identification by juveniles prohibited.** A person under 19 years
 28 of age may not offer false identification in an attempt to purchase a tobacco product or to
 29 purchase, possess or use cigarettes, cigarette papers or any other tobacco product.

30 **Sec. 9. 22 MRSA §1555-B, sub-§§6 and 10**, as enacted by PL 1997, c. 305, §5,
 31 are amended to read:

32 **6. Display of prohibition of sales to juveniles.** A dealer or distributor of tobacco
 33 products shall post notice of this section prohibiting tobacco and cigarette paper sales to
 34 persons under ~~18~~ 19 years of age. Notices must be publicly and conspicuously displayed
 35 in the dealer's or distributor's place of business in letters at least 3/8 inches in height.
 36 Signs required by this section may be provided at cost by the department.

37 **10. Affirmative defense.** It is an affirmative defense to prosecution for a violation
 38 of subsection 1, 2 or 4 that the defendant sold, furnished, gave away or offered to sell,
 39 furnish or give away a tobacco product to a person under ~~18~~ 19 years of age in reasonable
 40 reliance upon a fraudulent proof of age presented by the purchaser.'

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SUMMARY

This amendment, which is the minority report of the committee, replaces the bill and raises the legal age to purchase or use tobacco products from 18 years of age to 19 years of age and allows a person 18 to 20 years of age to sell tobacco products at retail if supervised by an employee who is at least 21 years of age.

FISCAL NOTE REQUIRED
(See attached)



ROFS

125th MAINE LEGISLATURE

LD 589

LR 974(02)

An Act To Increase the Legal Age To Purchase, Use or Sell Tobacco Products

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

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

	FY 2011-12	FY 2012-13	Projections FY 2013-14	Projections FY 2014-15
Net Cost (Savings)				
General Fund	\$717,683	\$942,220	\$927,869	\$913,848
Revenue				
General Fund	(\$717,683)	(\$942,220)	(\$927,869)	(\$913,848)
Other Special Revenue Funds	(\$6,589)	(\$8,662)	(\$8,541)	(\$8,424)

Correctional and Judicial Impact Statements

Increases the number of civil violations.

The collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Raising the legal age to purchase, use or sell tobacco products from 18 years of age to 19 years of age and allowing persons 18 years of age to sell tobacco products at retail if supervised by someone at least 21 years of age will reduce revenue from the Cigarette Tax, the Tobacco Products Tax and the Sales and Use Tax, lowering General Fund revenue and revenue sharing starting in fiscal year 2011-12.