

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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**Sec. 8. 22 MRSA §1579**, as enacted by PL 1983, c. 239, is repealed and the following enacted in its place:

**§1579. Prohibition**

**1. Sale and distribution; penalty.** No person may knowingly sell, furnish, give away or offer to sell, furnish or give away cigarettes or any other tobacco product to any person under the age of 18 years. No person in the business of selling or otherwise distributing cigarettes or other tobacco products for profit nor an employee or agent of such a person may, in the course of that person's business, distribute free any cigarette or other tobacco product to any person under the age of 18 years in any place, including, but not limited to, a public way or sidewalk, public park or playground, public school or other public building, or an entranceway, lobby, hall or other common area of a private building, shopping center or mall.

Any person who violates this subsection commits a civil violation for which a forfeiture of not less than \$10 nor more than \$100 shall be adjudged for any one offense. Any person who employs a person who violates this subsection commits a civil violation for which a forfeiture of not less than \$100 nor more than \$1,000 shall be adjudged. In all cases of violations the court shall impose a forfeiture which shall not be suspended, except pursuant to Title 15, section 3314.

It is an affirmative defense to prosecution under this subsection that the defendant was the parent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of the person under the age of 18 years who furnished that person with cigarettes or any other tobacco product in the defendant's home for use in the defendant's home. It is an affirmative defense to prosecution under this subsection that the defendant sold cigarettes or any other tobacco product to a person under the age of 18 years who furnished fraudulent proof of age.

**2. Prohibition; purchase by minors; penalty.** It shall be unlawful for any person under the age of 18 years to purchase cigarettes or any other tobacco product.

Any person who violates this subsection commits a civil violation for which a forfeiture of not less than \$10 nor more than \$50 may be adjudged for each violation. The judge, as an alternative to or in addition to the civil forfeitures permitted by this subsection, may assign the violator to perform specified work for the benefit of the State, the municipality or other public entity or a charitable institution.

**3. Display of prohibition against sales to minors.** All dealers and distributors of tobacco products shall post notice of this section prohibiting tobacco sales to persons under the age of 18 years. Notices shall be publicly and conspicuously displayed in the dealers' or distributors' places of business in letters at least 3/8 inches high. Signs required by this section may be provided at cost by the Bureau of Liquor Enforcement. Any person who violates this subsection commits a civil violation for which a forfeiture of not less than \$50 nor more than \$200 may be adjudged for any one offense.

**Sec. 9. 22 MRSA §1628, sub-§2**, as enacted by PL 1987, c. 127, is amended to read:

**2. Violation.** It is unlawful for any person, firm or corporation to knowingly distribute or sell cigarettes by the use of a vending machine to minors or in a location other than a location that is ~~generally supervised~~ at all times under direct supervision by an adult during the hours the machine is accessible.

**Sec. 10. 22 MRSA c. 265-C** is enacted to read:

**CHAPTER 265-C**

**SALE OF UNPACKAGED CIGARETTES**

**§1629. Sale of unpackaged cigarettes**

**1. Prohibition.** No person may sell cigarettes except in the original, sealed package in which they were placed by the manufacturer nor may any person sell cigarettes in smaller quantities than placed in the package by the manufacturer.

**2. Penalty.** Any person who violates this section commits a civil violation for which a forfeiture of not less than \$10 nor more than \$100 shall be adjudged. Any person who employs a person who violates this subsection commits a civil violation for which a forfeiture of not less than \$100 nor more than \$1,000 shall be adjudged. In all cases of violations the court shall impose a forfeiture which shall not be suspended, except pursuant to Title 15, section 3314.

See title page for effective date.

**CHAPTER 446**

**H.P. 1092 - L.D. 1525**

**An Act to Increase the Penalty for Destruction of Law Enforcement Canines**

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

**Sec. 1. 17 MRSA §1014**, as enacted by PL 1987, c. 383, §4, is repealed.

**Sec. 2. 17-A MRSA §752-B** is enacted to read:

**§752-B. Unlawful interference with law enforcement dogs**

**1. A person is guilty of unlawful interference with a law enforcement dog if that person intentionally or knowingly:**

**A. Kills, mutilates or permanently disables any dog which that person knows or reasonably should have known is certified for law enforcement use; or**

B. Torments, beats, strikes, injures, temporarily disables or otherwise mistreats any dog which that person knows or reasonably should have known is certified for law enforcement use.

2. For the purposes of this section, a dog is certified for law enforcement use if the State has certified that the dog has satisfactorily completed requisite training for one or more law enforcement purposes.

3. Violation of subsection 1, paragraph A is a Class C crime. Violation of subsection 1, paragraph B is a Class D crime.

See title page for effective date.

## CHAPTER 447

### S.P. 142 - L.D. 262

#### An Act to Provide for Continued Group Health Insurance Coverage to Certain Injured Employees

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

**Sec. 1. 24 MRSA §2330, sub-§11**, as amended by PL 1987, c. 25, §§1 and 2, is further amended to read:

**11. Continued group coverage; certain circumstances.** Notwithstanding this section, if the termination of an individual's group insurance coverage is a result of the member or employee being temporarily laid off or losing his employment because of ~~a work-related an injury or occupational disease, the compensability of which that the employee claims to be compensable~~ under Title 39 ~~is not controverted by his employer~~, the insurer shall allow the member or employee to elect, within the time period prescribed by paragraph B, to continue coverage under the group policy at no higher level than the level of benefits or coverage received by the employee immediately before termination and at the member's or employee's expense or, at the member's or employee's option, to convert to a policy of individual coverage without evidence of insurability in accordance with this section.

A. For the purposes of this subsection, the term "member or employee" includes only those persons who have been a member or employee for at least 6 months.

~~B. If the member's or employee's coverage is terminated because of:~~

~~(1) A temporary layoff, the member or employee shall have 31 days from the termination of coverage in which to elect and make his initial payment under this subsection; or~~

~~(2) A nonecontroverted work-related injury or occupational disease, the member or~~

~~employee shall have 60 days from the termination of coverage in which to elect and make his initial payment under this subsection.~~

B-1. The member or employee shall have 31 days from the termination of coverage in which to elect and make the initial payment under this subsection.

C. An insurer is not required to continue coverage under a group policy if the member or employee meets the conditions set out in subsection 3, paragraph A.

D. The payment amount for continued group coverage under this subsection may not exceed 102% of the group rate in effect for a group member, including an employer's contribution, if any.

E. At the option of the member or employee, the continued group coverage may cover the member or employee, the member or employee and his any dependents or only the dependents of the member or employee; provided that, in the latter 2 cases, the dependents have been covered for a period of at least 3 months under the group policy, unless the dependents were not eligible for coverage until after the beginning of the 3-month period.

F. Except as provided in paragraph G, coverage provided under this section shall continue and may not be terminated: until one year from the last day of work.

~~(1) In the case of a termination which is the result of a temporary layoff, until 6 months from the last day of work;~~

~~(2) In the case of a termination which is the result of a member or employee losing his employment because of a nonecontroverted work-related injury or occupational disease which renders him partially incapacitated, until 6 months from the last day of work; and~~

~~(3) In the case of a termination which is the result of a member or employee losing his employment because of a nonecontroverted work-related injury or occupational disease which renders him totally incapacitated, until one year from the last day of work.~~

G. Coverage provided under this section may be terminated sooner than provided under paragraph F if:

(1) The member or employee fails to make timely payment of a required premium amount; or

(2) The member or employee becomes eligible for coverage under another group policy; or