

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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

J.S. McCarthy Company
Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

does not qualify for property tax exemption under Title 36, section 652, subsection 1, paragraph A.

2. Eligibility for property tax relief. Without limiting the eligibility of members of any other corporation or unincorporated association that provides housing on a cooperative basis for tax relief, a member of a cooperative affordable housing corporation is eligible for any relief afforded to property taxpayers under law.

3. Homestead exemption from attachment and execution. Title 14, section 4422 applies to cooperative interests in cooperative affordable housing corporations.

See title page for effective date.

CHAPTER 301

H.P. 454 - L.D. 580

An Act to Further Discourage the Smoking of Cigarettes by Minors

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

Sec. 1. 22 MRSA §1579, as repealed and replaced by PL 1989, c. 445, §8, is amended to read:

§1579. Prohibition

1. Sale and distribution; penalty. No person may knowingly sell, furnish, give away or offer to sell, furnish or give away cigarettes, cigarette paper 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, cigarette paper or other tobacco products for profit nor an employee or agent of such that a person may, in the course of that person's business, distribute free any cigarette, cigarette paper 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~~ \$25 nor more than \$200 may 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~~ may be adjudged. In all cases of violations, the court shall impose a forfeiture ~~which shall that may~~ 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 par-~~

~~ent, 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, cigarette paper 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~~ is unlawful for any person under the age of 18 years to purchase cigarettes, cigarette paper 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~~ \$25 nor more than \$200 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 and cigarette paper sales to persons under the age of 18 years. Notices ~~shall~~ must 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.

4. Cigarette paper defined. As used in this section, the term "cigarette paper" means those paper or paper-like products used to roll cigarettes, which by advertising, design or use facilitate the use of tobacco or other products for inhalation.

See title page for effective date.

CHAPTER 302

S.P. 381 - L.D. 1137

An Act to Amend the Maine Business Corporation Act

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

Sec. 1. 13-A MRSA §910, sub-§2, ¶C, as enacted by PL 1985, c. 394, §3, is amended to read:

C. For the purposes of this section: