

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1993

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

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

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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**Sec. 1. 22 MRSA §1579**, as repealed and replaced by PL 1989, c. 445, §8, is amended to read: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

(1) A person ~~shall is not be~~ a controlling person under paragraph A if that person holds voting power, in good faith and not for the purpose of circumventing this section, as an agent, bank, broker, nominee or trustee for one or more beneficial owners who do not individually or, if they are a group acting in concert, as a group have the voting power specified in paragraph A or who are not ~~deemed~~ considered a controlling person under paragraph B; ~~and~~

(2) A person has voting power over a voting share if that person has or shares, directly or indirectly, through any option, contract, arrangement, understanding, voting trust, conversion right or relationship, or by acting jointly or in concert or otherwise, the power to vote, or to direct the voting of, that voting share; ~~and~~

(3) A person engaged in business as an underwriter or group consisting of persons engaged in business as underwriters is not a controlling person under paragraph A if that person or group holds voting power specified in paragraph A, in good faith and not for the purpose of circumventing this section, over shares of the corporation acquired through participation in good faith in a firm commitment underwriting of an offering of shares registered under the United States Securities Act of 1933.

See title page for effective date.

## CHAPTER 303

### S.P. 235 - L.D. 728

#### An Act to Make Provisions of the Maine Human Rights Act Consistent with Federal Law

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** unless certain provisions of the Maine Human Rights Act are amended before the normal effective date of legislation, the Maine Human Rights Commission will be unable to receive certain federal funding; and

**Whereas,** restoration of federal funds is necessary to assist the Maine Human Rights Commission in performing its statutorily mandated responsibilities; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Con-

stitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 5 MRSA §4566, sub-§4-B,** as enacted by PL 1977, c. 648, §1, is amended to read:

**4-B. Subpoenas; contest of validity.** ~~Subpoenas shall be issued only upon application to and approval of the Superior Court. If a subpoena is issued, notice must be given to the person who is alleged to have engaged in the unlawful discrimination.~~ The person upon whom the subpoena is served ~~may~~ may contest its validity. A judicial review of the subpoenas ~~shall be permissible~~ is permissible in any Superior Court; ;

**Sec. 2. 5 MRSA §4612, sub-§4, ¶A,** as amended by PL 1991, c. 99, §29, is further amended to read:

A. If the commission finds reasonable grounds to believe that unlawful discrimination has occurred, and further believes that irreparable injury or great inconvenience will be caused the victim of such discrimination or to members of a racial, color, sex, physical or mental disability, religious, nationality group or age group if relief is not immediately granted, or if conciliation efforts under subsection 3 have not succeeded, the commission ~~shall~~ may file in the Superior Court a civil action seeking such relief as is appropriate, including temporary restraining orders.

**Sec. 3. 5 MRSA §4633** is enacted to read:

#### **§4633. Prohibition against retaliation and coercion**

**1. Retaliation.** A person may not discriminate against any individual because that individual has opposed any act or practice that is unlawful under this Act or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under this Act.

**2. Interference, coercion or intimidation.** It is unlawful for a person to coerce, intimidate, threaten or interfere with any individual in the exercise or enjoyment of the rights granted or protected by this Act or because that individual has exercised or enjoyed, or has aided or encouraged another individual in the exercise or enjoyment of, those rights.

**3. Remedies and procedures.** The remedies and procedures available under sections 4611 to 4614, 4621, 4622 and 4623 are available to aggrieved persons for violations of subsections 1 and 2.