

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

CHAPTER 443

H.P. 713 - L.D. 956

**An Act To Improve the Procedure
for Locating Runaway Children****Be it enacted by the People of the State of
Maine as follows:****Sec. 1. 25 MRSA §2154, sub-§5** is enacted
to read:

5. Child missing from interim care. If a child in the custody of the Department of Human Services whose permanent residence is believed to be located in this State has been placed in interim care that includes temporary shelter for a period of 60 days or less and the child becomes a missing child, the law enforcement agency that has jurisdiction where the temporary shelter is located is responsible for the initial investigation of the missing child report and entering a juvenile in the missing persons file as required by subsection 2. After the child has been a missing child for at least 48 hours, but no more than 60 days, if the chief administrative officer of the law enforcement agency having initial jurisdiction or that chief administrative officer's designee determines that it is in the best interest of finding the child, that law enforcement agency may transfer responsibility for the investigation and the entry of additional information as required by subsection 4 to the law enforcement agency having jurisdiction over the location in this State that is believed to be the permanent residence of the missing child. The transferring law enforcement agency shall modify the entry required by subsection 2 by changing the originating agency identifier to that of the law enforcement agency to which the responsibility for investigation is transferred. This subsection is repealed July 1, 2005.

See title page for effective date.

CHAPTER 444

H.P. 910 - L.D. 1236

**An Act To Regulate the Delivery and
Sales of Tobacco Products and To
Prevent the Sale of Tobacco Products
to Minors****Be it enacted by the People of the State of
Maine as follows:****Sec. 1. 22 MRSA §1551, sub-§§1-A, 1-B,
1-C, 2-A, 2-B and 3-A** are enacted to read:**1-A. Consumer.** "Consumer" means an individual who purchases, receives or possessestobacco products for personal consumption and not for resale.**1-B. Delivery sale.** "Delivery sale" means a sale of tobacco products to a consumer in this State when:A. The purchaser submits the order for the sale by means of telephonic or other electronic method of voice transmission, the Internet or any delivery service; orB. The tobacco products are delivered by use of a delivery service.A sale to a person who is not licensed as a tobacco distributor or tobacco retailer is a delivery sale.**1-C. Delivery service.** "Delivery service" means a person, including the United States Postal Service, who is engaged in the commercial delivery of letters, packages or other containers.**2-A. Person.** "Person" means an individual, corporation, partnership or unincorporated association.**2-B. Tobacco distributor.** "Tobacco distributor" or "distributor" means a person licensed as a distributor under Title 36, chapter 704.**3-A. Tobacco retailer.** "Tobacco retailer" or "retailer" means a person located within or outside the State who sells tobacco products to a person in the State for personal consumption.**Sec. 2. 22 MRSA §§1555-C and 1555-D** are enacted to read:**§1555-C. Delivery sales of tobacco products**The following requirements apply to delivery sales of tobacco products within the State.**1. License required.** It is unlawful for any person to accept an order for a delivery sale of tobacco products to a consumer in the State unless that person is licensed under this chapter as a tobacco retailer. The following penalties apply to violations of this subsection.A. A person who violates this subsection commits a civil violation for which a fine of not less than \$50 and not more than \$1,500 may be adjudged for each violation.B. A person who violates this subsection after having been previously adjudicated as violating this subsection or subsection 2, 3 or 4 commits a civil violation for which a fine of not less than \$1,000 and not more than \$5,000 may be adjudged.