

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

A. The State Fire Marshal may adopt routine technical rules, pursuant to Title 5, chapter 375, subchapter 2-A, necessary to effectuate the purposes of this section.

B. The State Tax Assessor in the regular course of conducting inspections of distributors, agents and tobacco retailers, as authorized under Title 36, section 4373-A, may inspect cigarette packaging to determine if it is marked as required in subsection 4. If the packaging is not marked as required, the State Tax Assessor shall notify the State Fire Marshal.

C. Beginning in 2009 and every 3 years thereafter, the State Fire Marshal shall review the effectiveness of this section and report to the Legislature the State Fire Marshal's findings and, if appropriate, recommendations for legislation to improve the effectiveness of the implementation of the standards and certification of those standards in this section. The report and legislative recommendations must be submitted no later than March 1st of each year a report is required.

D. This section must be implemented by the State Fire Marshal in accordance with the implementation and substance of the New York Fire Safety Standards for Cigarettes or a comparable or successor standard.

9. Inspection. To enforce the provisions of this section, the Attorney General and the State Fire Marshal may examine the books, papers, invoices and other records of any person in possession, control or occupancy of any premises where cigarettes are manufactured, tested, placed, stored, sold or offered for sale, as well as the stock of cigarettes on the premises. Such a person shall give the Attorney General and the State Fire Marshal the means, facilities and opportunity for the examinations authorized by this subsection.

10. Fire Prevention and Public Safety Fund. The Fire Prevention and Public Safety Fund is established as a nonlapsing fund. The fund must consist of all money recovered as penalties for violations of this section. The money must be deposited to the credit of the fund and, in addition to any other money made available for such purpose, must be made available to the State Fire Marshal to support fire safety and prevention programs.

11. Sale outside of State. Nothing in this section may be construed to prohibit a person or entity from manufacturing or selling cigarettes that do not meet the requirements of this section if the cigarettes are or will be stamped for sale in another state or are packaged for sale outside the United States and that person or entity has taken reasonable steps to ensure that such cigarettes will not be sold or offered for sale to persons located in this State.

Sec. 2. Existing inventory may be sold. Notwithstanding the Maine Revised Statutes, Title 22, section 1555-E, subsection 2, paragraph A, distributors or tobacco retailers, as defined in Title 22, section 1551, subsection 3-A, may sell their existing inventory of cigarettes on or after January 1, 2008 if the distributor or tobacco retailer can establish that state tax stamps were affixed to the cigarettes prior to January 1, 2008 and can establish that the inventory was purchased prior to January 1, 2008 in comparable quantity to the inventory purchased during the same period of the prior year.

Sec. 3. Effective date. This Act takes effect January 1, 2008.

Effective January 1, 2008.

CHAPTER 254

S.P. 500 - L.D. 1422

An Act To Provide Exceptions to the Games of Chance Laws for Children's Games

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

Sec. 1. 17 MRSA §331, sub-§2-B is enacted to read:

2-B. Exceptions for persons under 16. Notwithstanding any rule to the contrary, upon receiving an application on a form provided by the Chief of the State Police and a determination by the chief that a game of chance licensed to be conducted at a festival-style event is designed to attract players under 16 years of age and awards a nonmonetary prize valued at less than \$10 for every chance played, the chief may permit:

A. Persons under 16 years of age to conduct or operate the game of chance; and

B. Persons under 16 years of age to play the game of chance without being accompanied by an adult.

Nothing in this subsection may be construed to permit games of chance to be operated without a license.

Sec. 2. 17 MRSA §340, first ¶, as amended by PL 1983, c. 225, §3, is further amended to read:

No Except as provided in section 331, subsection 2-B, a licensee, game owner or operator may not permit persons under the age of 16 years to take part in a game of chance. No and a person under the age of 16 years may not sell chances, except in relation to charitable, religious or recognized youth associations.

See title page for effective date.
