

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
HEALTH AND HUMAN SERVICES**

JULY 1997

MEMBERS:

Sen. Judy Paradis, Chair

Sen. Susan W. Longley

Sen. Betty Lou Mitchell

Rep. J. Elizabeth Mitchell, Chair

Rep. Joseph E. Brooks

Rep. Elaine Fuller

Rep. Thomas J. Kane

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Rep. Lois A. Snowe-Mello

Staff:

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Maine State Legislature

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**ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees
August 1997**

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CARRIED OVER*.....*Bill carried over to Second Regular Session*
- CON RES XXX*.....*Chapter # of Constitutional Resolution passed by both Houses*
- CONF CMTE UNABLE TO AGREE*.....*Committee of Conference unable to agree; bill died*
- DIED BETWEEN BODIES*.....*House & Senate disagree; bill died*
- DIED IN CONCURRENCE*.....*One body accepts ONTP report; the other indefinitely postpones the bill*
- DIED ON ADJOURNMENT*.....*Action incomplete when session ended; bill died*
- EMERGENCY*.....*Enacted law takes effect sooner than 90 days*
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....*Emergency bill failed to get 2/3 vote*
- FAILED ENACTMENT/FINAL PASSAGE*.....*Bill failed to get majority vote*
- FAILED MANDATE ENACTMENT*.....*Bill imposing local mandate failed to get 2/3 vote*
- INDEF PP*.....*Bill Indefinitely Postponed*
- ONTP*.....*Ought Not To Pass report accepted*
- OTP ND*.....*Committee report Ought To Pass In New Draft*
- OTP ND/NT*.....*Committee report Ought To Pass In New Draft/New Title*
- P&S XXX*.....*Chapter # of enacted Private & Special Law*
- PUBLIC XXX*.....*Chapter # of enacted Public Law*
- RESOLVE XXX*.....*Chapter # of finally passed Resolve*
- UNSIGNED*.....*Bill held by Governor*
- VETO SUSTAINED*.....*Legislature failed to override Governor's Veto*

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director

Offices Located in the State House, Rooms 101/107/135

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM MAJ OTP-AM MIN	S-132 S-157 MITCHELL B

LD 412 proposed to forbid the sale of tobacco products to an individual who does not provide appropriate proof that the person is at least 18 years of age.

Committee Amendment "A" (S-132) proposed to repeal the provisions controlling sales of cigarettes from vending machines and prohibit such sales, to require that all retail sales of tobacco products be face-to-face sales or sales through the mail with provisions to ensure that the purchaser is not a minor, to require proof of identification for all retail tobacco sales to persons under 27 years of age, to require wholesale tobacco sales that are not face-to-face to meet department standards, to prohibit the sale of cigarettes in packages smaller than 20 cigarettes, to prohibit the sale of tobacco products to minors without regard to the state of mind of the seller, to retain the affirmative defense of reliance on identification to the extent that reliance is reasonable, and to add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-538) proposed to incorporate all of Senate Amendment "A" to Committee Amendment "A" (S-157), and to correct an internal reference to a subsection.

Senate Amendment "A" to Committee Amendment "A" (S-157) proposed provisions identical to Committee Amendment "A" except it would alter the provisions controlling sales of cigarettes from vending machines, restricting vending machines to areas in which minors are allowed only when accompanied by an adult.

Committee Amendment "B" (S-133) is identical to Senate Amendment "A".

Enacted law summary

Public Law 1997, chapter 305 comprises the provisions of Senate Amendment "A" and Committee Amendment "A". It allows cigarette sales from vending machines, which must be located in areas in which minors are allowed only when accompanied by an adult. It regulates mail order sales and requires proof of age from a retail purchaser under age 27. It prohibits sales to minors, retaining the current affirmative defense for reasonable reliance on identification. It prohibits packaging in packages of fewer than 20 cigarettes.

See also 2 errors bills, LD 10, Public Law 1997, Chapter 393 and LD 1902, Public Law 1997, chapter 562. Chapter 393 in Part D corrects an error in a reference to a subparagraph. Chapter 562 re-enacts the prohibition on minors possessing or using tobacco products, an inadvertent repeal in chapter 305.