

§4366-C. Sales of cigarettes in contravention of law

1. Cigarettes; stamps not affixed. A distributor may not offer for sale, sell or affix a stamp to a package of cigarettes if the package:

A. Does not comply with the Federal Cigarette Labeling and Advertising Act, 15 United States Code, Section 1331, et seq., for the placement of labels, warnings or any other information for a package of cigarettes to be sold within the United States; [PL 1999, c. 616, §3 (NEW).]

B. Is labeled "For Export Only," "U.S. Tax Exempt," "For Use Outside U.S." or with other wording indicating that the manufacturer did not intend that the product be sold in the United States; [PL 1999, c. 616, §3 (NEW).]

C. Has been altered by adding or deleting wording, labels or warnings described in paragraphs A and B; [PL 1999, c. 616, §3 (NEW).]

D. Has been imported into the United States in violation of 26 United States Code, Section 5754; or [PL 1999, c. 616, §3 (NEW).]

E. In any way violates federal trademark or copyright laws. [PL 1999, c. 616, §3 (NEW).]
[PL 2007, c. 438, §97 (AMD).]

2. Deceptive practice. Selling a package of cigarettes described in subsection 1, with or without a stamp, is an unfair or deceptive act or practice under the Maine Unfair Trade Practices Act. [PL 1999, c. 616, §3 (NEW).]

2-A. Shipment only to licensed retailers. A distributor may not sell or offer to sell cigarettes to a retailer unless the retailer has provided documentation to the distributor that the retailer holds a current retail tobacco license issued under Title 22, section 1551-A. [PL 2007, c. 172, §1 (NEW).]

3. Penalties. The following penalties apply to violations of this section.

A. A distributor who violates this section commits a Class E crime. [PL 2007, c. 438, §97 (AMD).]

B. A distributor who violates this section when the distributor has one or more prior convictions for violation of this section commits a Class D crime. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence. [PL 2007, c. 438, §97 (AMD).]

Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2007, c. 438, §97 (AMD).]

SECTION HISTORY

PL 1999, c. 616, §3 (NEW). PL 2003, c. 452, §U15 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2007, c. 172, §1 (AMD). PL 2007, c. 438, §97 (AMD).

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