§1555-B. Sales of tobacco products

1. Retail sales. Tobacco products may be sold at retail only in a direct, face-to-face exchange in which the purchaser may be clearly identified. For direct, face-to-face sales, employees who sell tobacco products must be at least 17 years of age. An employee who is 17 years of age or older and under 21 years of age may sell tobacco products only in the presence of an employee who is 21 years of age or older and is in a supervisory capacity.
[PL 2017, c. 308, §6 (AMD).]

2. Sales to persons who have not attained 21 years of age prohibited. A person may not sell or furnish, or offer to sell or furnish, a tobacco product to any person who has not attained 21 years of age, unless the person has attained 18 years of age as of July 1, 2018. Tobacco products may not be sold at retail to any person who has not attained 30 years of age unless the seller first verifies that person's age by means of reliable photographic identification containing the person's date of birth. That a person appeared to be 30 years of age or older does not constitute a defense to a violation of this section.
[PL 2025, c. 367, §9 (AMD); PL 2025, c. 367, §20 (AFF).]

3. Sales through vending machines.
[PL 2025, c. 367, §10 (RP); PL 2025, c. 367, §20 (AFF).]

4. Wholesale sales. Tobacco products may be distributed at wholesale without a face-to-face exchange only in the normal course of trade and under procedures approved by the Bureau of Revenue Services to ensure that tobacco products are not provided to any person who has not attained 21 years of age.
[PL 2017, c. 308, §6 (AMD).]

5. Possession and use of cigarettes, cigarette papers or tobacco products; use of false identification by minors prohibited.
[PL 2003, c. 452, Pt. K, §7 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

5-A. Purchase of tobacco products by persons who have not attained 21 years of age prohibited. Except as provided in subsection 5-B, a person who has not attained 21 years of age may not:

A. Purchase or attempt to purchase a tobacco product. [PL 2017, c. 308, §6 (AMD).]

B. [PL 2017, c. 308, §6 (RP).]

C. [PL 2017, c. 308, §6 (RP).]

This subsection does not apply to a person who has attained 18 years of age as of July 1, 2018.
[PL 2017, c. 308, §6 (AMD).]

5-B. Exception to possession by persons who have not attained 21 years of age. A person who has not attained 21 years of age may transport or permit to be transported in a motor vehicle tobacco products in the original sealed package in which they were placed by the manufacturer if the transportation is in the scope of that person's employment.
[PL 2017, c. 308, §6 (AMD).]

5-C. Use of false identification by persons who have not attained 21 years of age prohibited. A person who has not attained 21 years of age may not:

A. Offer false identification in an attempt to purchase a tobacco product or to purchase, possess or use a tobacco product; [PL 2017, c. 308, §6 (AMD).]

B. Violate paragraph A after having previously violated this subsection; or [PL 2003, c. 452, Pt. K, §8 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Violate paragraph A after having previously violated this subsection 2 or more times. [PL 2003, c. 452, Pt. K, §8 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2017, c. 308, §6 (AMD).]

6. Display of prohibition of sales to persons who have not attained 21 years of age. A dealer or distributor of tobacco products shall post notice of this section prohibiting tobacco product sales to persons who have not attained 21 years of age, unless the person has attained 18 years of age as of July 1, 2018. Notices must be publicly and conspicuously displayed in the dealer's or distributor's place of business in letters at least 3/8 inches in height. Signs required by this section may be provided at cost by the department.

[PL 2017, c. 308, §6 (AMD).]

7. Enforcement. Law enforcement officers shall enforce this section. A citizen may register a complaint under this section with the law enforcement agency having jurisdiction. The law enforcement agency may notify any establishment or individual subject to this section of a citizen complaint regarding that establishment's or individual's alleged violation of this section and shall keep a record of that notification.

[PL 1997, c. 305, §5 (NEW).]

8. Fines. Violations of this section are subject to fines or other penalties according to this subsection.

A. [PL 2017, c. 308, §6 (RP).]

A-1. An employer of a person who violates subsection 1, 2, 3 or 4 commits a civil violation for which a fine of not less than $300 for the first offense, not less than $600 for the 2nd offense and not less than $1,000 for each offense thereafter, plus court costs, must be adjudged. The fine may not be suspended. Each day in which a violation occurs constitutes a separate violation. [PL 2017, c. 308, §6 (AMD).]

B. A person who violates subsection 5-A commits a civil violation and may be subject to completing tobacco-related education classes, diversion programs or specified work for the benefit of the State, the municipality or other public entity or a charitable institution. [PL 2017, c. 308, §6 (AMD).]

B-1. A person who violates subsection 5-C commits a civil violation for which the following fines may be adjudged.

(1) For a first offense, a fine of not less than $100 and not more than $300 may be imposed. The judge, as an alternative to or in addition to the fine permitted by this subparagraph, may assign the violator to perform specified work for the benefit of the State, the municipality or other public entity or a charitable institution.

(2) For a 2nd offense, a fine of not less than $200 and not more than $500 may be imposed. The judge, as an alternative to or in addition to the fine permitted by this subparagraph, 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) For all subsequent offenses, a fine of $500 must be imposed and that fine may not be suspended. The judge, in addition to the fine permitted by this subparagraph, may assign the violator to perform specified work for the benefit of the State, the municipality or other public entity or a charitable institution. [PL 2017, c. 308, §6 (NEW).]

C. A person who violates subsection 6 commits a civil violation for which a fine of not less than $50 and not more than $200 may be adjudged for any one offense. [PL 2003, c. 452, Pt. K, §9 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2017, c. 308, §6 (AMD).]

9. Distribution of fines. Fines collected pursuant to subchapter 1 and this subchapter must be credited as follows: one half to the General Fund and 1/2 to be deposited in a nonlapsing account of the Maine Criminal Justice Academy for the purpose of providing funds for training and recertification of part-time and full-time law enforcement officers.
[PL 2017, c. 308, §6 (AMD).]

10. Affirmative defense. It is an affirmative defense to prosecution for a violation of subsection 1, 2 or 4 that the defendant sold or furnished, or offered to sell or furnish, a tobacco product in violation of subsection 5-A in reasonable reliance upon a fraudulent proof of age presented by the purchaser.
[PL 2025, c. 367, §11 (AMD); PL 2025, c. 367, §20 (AFF).]

11. Manner of displaying and offering for sale. Tobacco products may be displayed or offered for sale only in a manner that does not allow the purchaser direct access to the tobacco products. The requirements of this subsection do not apply to the display or offering for sale of tobacco products in multi-unit packages of 10 or more units, in tobacco specialty stores or in locations in which the presence of minors is generally prohibited. This requirement does not preempt a municipal ordinance that provides for more restrictive regulation of the sale of tobacco products.
[PL 1999, c. 314, §1 (NEW); PL 1999, c. 314, §2 (AFF).]

12. Prohibition on giving away a tobacco product. A tobacco retailer or tobacco distributor may not give away a tobacco product.
[PL 2025, c. 367, §12 (NEW); PL 2025, c. 367, §20 (AFF).]

SECTION HISTORY

PL 1997, c. 305, §5 (NEW). PL 1997, c. 393, §D1 (AMD). PL 1997, c. 562, §D3 (AMD). PL 1997, c. 562, §D11 (AFF). PL 1997, c. 578, §1 (AMD). PL 1999, c. 314, §1 (AMD). PL 1999, c. 314, §2 (AFF). PL 2003, c. 20, §R7 (AMD). PL 2003, c. 452, §§K7-9 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2005, c. 223, §4 (AMD). PL 2009, c. 398, §2 (AMD). PL 2009, c. 398, §6 (AFF). PL 2017, c. 308, §6 (AMD). PL 2025, c. 367, §§9-12 (AMD). PL 2025, c. 367, §20 (AFF).

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