

§4366-B. Importation of unstamped cigarettes

1. Generally. Except as provided in subsection 2, only a licensed distributor may import unstamped cigarettes into this State.

[PL 2007, c. 438, §96 (AMD).]

2. Exception for personal use. An individual who is not a licensed distributor may transport cigarettes into this State and may transport cigarettes from place to place within this State for the individual's personal use in a quantity not greater than 2 cartons.

[PL 2007, c. 438, §96 (AMD).]

3. Evidence. The possession of more than 2 cartons of unstamped cigarettes by a person who is not a licensed distributor is prima facie evidence of a violation of this section.

[PL 2007, c. 438, §96 (AMD).]

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

A. A person who violates this section commits a Class E crime. [PL 2003, c. 452, Pt. U, §14 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A person who violates this section when the person 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 2003, c. 452, Pt. U, §14 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[PL 2003, c. 452, Pt. U, §14 (RPR); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1997, c. 458, §10 (NEW). PL 1997, c. 668, §27 (AMD). PL 2003, c. 452, §U14 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2007, c. 438, §96 (AMD).

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