

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1485

H. P. 1270

House of Representatives, March 26, 1981

Referred to the Committee on Taxation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Post of Owls Head.

Cosponsors: Senator Bustin of Kennebec, Senator Pierce of Kennebec and Representative Bell of Paris.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Promoting Alcoholism Prevention, Education, Treatment and Research.

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

Sec. 1. 22 MRSA § 7102, sub-§§ 2 and 3, as enacted by PL 1973, c. 566, § 1, are amended to read:

2. Integrated approach. In order to efficiently and effectively accomplish this objective, it is essential to adopt an integrated approach to the problem and to focus all the varied resources of the State on developing a comprehensive range of drug abuse prevention and treatment services ~~conducted by one administrative unit.~~

3. Office established. It is, therefore, the objective of this Act to establish one office to coordinate the planning ~~and operation~~ of all state drug abuse services, including those related to the abuse of alcohol, and excepting those relating to the prevention of drug traffic, and to provide support and guidance to individuals, public and private organizations and especially local governments, in their drug prevention activities.

Sec. 2. 22 MRSA § 7106, sub-§ 3, ¶ B, as enacted by PL 1973, c. 566, § 1, is amended to read:

B. Reviewing all proposed legislation, fiscal activities, plans, policies and other administrative functions relating to drug abuse prevention activities made by or requested of all state agencies. The office shall have the authority to submit to these bodies findings, comments and recommendations, which ~~in the case of the Judicial Council, Legislature, Governor and commissioner shall be advisory ; and which in the case of other state agencies shall be binding.~~ Such findings, comments and recommendations shall specify what modification in proposals or actions ~~shall~~ **should** be taken to make proposed legislation, fiscal activities and administrative activities consistent with such policies and priorities;

Sec. 3. ~~22 MRSA § 7106, sub-§ 4, first ¶, 3rd sentence,~~ as enacted by PL 1973, c. 566, § 1, is amended to read:

Implementation of this duty shall mean that the office shall have the authority to ~~supervise through a review process the preparation and administration of~~ any portion of any state plan relating to drug abuse prevention prepared and administered by any agency of State Government for submission to the Federal Government to obtain federal funding under federal legislation.

Sec. 4. ~~22 MRSA § 7106, sub-§ 8, last 3 sentences,~~ as enacted by PL 1973, c. 566, § 1, are amended to read:

The office may do all things necessary to cooperate with the Federal Government or any of its agencies in making application for any funds ~~Included in this duty is authority to coordinate the disbursement of all state funds, or funds administered through agencies of State Government, appropriated or made available for drug abuse prevention. No fiscal transaction, including encumbrance or disbursement, shall be made for drug abuse prevention without the approval of the office;~~

Sec. 5. ~~22 MRSA § 7112, first ¶,~~ as enacted by PL 1973, c. 566, § 1, is amended to read:

State agencies proposing to develop, establish, conduct or administer drug abuse prevention programs or to assist with such programs as covered by this chapter shall, prior to carrying out such actions, consult with the office ~~to obtain the approval of the office to conduct such action.~~

Sec. 6. ~~22 MRSA § 7112, 2nd ¶, 3rd sentence,~~ as enacted by PL 1973, c. 566, § 1, is repealed as follows:

~~No such action shall be taken related to drug abuse prevention without approval of the office~~

Sec. 7. ~~28 MRSA § 204, first ¶,~~ as last amended by PL 1975, c. 771, § 302, is further amended by adding at the end a new sentence to read:

Nothing in this section may be constructed to permit the commission to sell spirituous and vinous liquor without collecting the entire premium assessed under chapter 12.

Sec. 8. 28 MRSA c. 12 is enacted to read:

CHAPTER 12
ALCOHOLISM PREVENTION, EDUCATION,
TREATMENT AND RESEARCH

§ 471. Findings and intent

The Legislature finds that alcoholism is an increasingly costly burden on the personal lives and pocketbooks of Maine citizens; that a small minority of the population consumes the vast majority of alcoholic beverages sold; that the public is unfairly burdened with the expense of preventing alcoholism and of caring for alcoholics; and that the growing cost of prevention and treatment should be borne by those persons who deliberately incur the risk of contracting this disease. Accordingly, the intent of this chapter is to ensure that programs for alcoholism prevention, education, treatment and research are adequately supported by shifting the financial burden of preventing and treating alcoholism to those who choose to drink.

§ 472. Alcoholism Prevention, Education, Treatment and Research Fund

1. **Establishment.** There is established a fund known as the Alcoholism Prevention, Education, Treatment and Research Fund, which shall be used to carry out the purposes of this chapter.

2. **Endowment.** The funds shall be endowed with premiums collected under section 474 and may be endowed with moneys from any other source.

3. **Administration.** The Treasurer of State shall administer the fund in accordance with this chapter.

4. **Reports.** The Treasurer of State shall prepare and submit a report on his administration of the fund to the Legislature on or before the first day of every regular session. The report shall include an itemization of receipts and disbursements made from the fund during the period covered by the report, an estimate of the receipts expected during the fiscal year for which appropriations will be made, a summary of the earnings accruing on the special trust account during the period covered by the report, an estimate of the earnings expected to accrue on the account during the fiscal year for which appropriations will be made and any other information that the Legislature may request.

§ 473. Special trust account

1. **Establishment.** There is established within the fund a special trust account, which shall be used to carry out the purposes of this section.

2. **Endowment.** Until June 30, 1991, the Treasurer of State shall deposit in the account 5% of all premiums collected under section 474, together with all earnings accruing on the account, except earnings appropriated after June 30, 1985, under subsection 3.

3. Availability of earnings. All earnings accruing on the account after June 30, 1985, shall be available to the Legislature to appropriate for alcoholism prevention and education in accordance with section 475.

§ 474. Premiums; collection

1. Spirits and fortified wines. The commission shall sell all spirits and wines, except table wines, at a price which will produce, in addition to any other tax or charge imposed under state or federal law, a premium of 2¢ per fluid ounce of 100% alcohol.

2. Malt liquor and table wines. In addition to any other tax or charge imposed under state or federal law, a premium of 2¢ per fluid ounce of 100% alcohol shall be imposed on all malt liquor and table wine manufactured, bottled or imported into this State. Premiums shall be paid to the commission by Maine manufacturers and importing wholesalers. The commission shall open a premium account with all Maine manufacturers and wholesale licensees. The collection of premiums under this subsection shall be governed in the same manner as provided for the collection of excise taxes under section 652. The duties, prohibitions and liabilities under this subsection of licensees and holders of certificates of approval shall be the same as those under sections 603, 604 and 652. The commission shall give credits and make adjustments under this subsection on the same terms and conditions as provided in section 452.

3. Payment to fund. All premiums collected by the commission under this section shall be paid forthwith to the Treasurer of state and credited to the fund in accordance with sections 472 and 473.

§ 475. Appropriations procedure

1. Purposes and objects. Subject to section 473, the Legislature may make appropriations from the fund to any public or private agency or person to carry out the purposes of this chapter.

2. Commissioners' report. The Commissioners of Educational and Cultural Services and Human Services shall jointly prepare and submit a report on alcoholism prevention, education, treatment and research to the Legislature on or before the first day of every regular session. The report shall include their specific recommendations regarding appropriations from the fund, including agencies or persons to whom appropriations should be made and the amounts that should be appropriated, the specific reasons for their recommendations and any other information that the Legislature may request. The commissioners may hold hearings, solicit and receive proposals or take any other action they consider necessary and appropriate in order to prepare their report.

3. Other recommendations. The public shall be afforded appropriate opportunity to make recommendations directly to the Legislature regarding appropriations from the fund.

4. Legislative prerogative. Nothing in this chapter or in Title 22, chapter 1601

may be construed to authorize any agency or person to disburse, administer, coordinate or otherwise act with respect to appropriations from the fund unless so authorized by the appropriation, to require the Legislature to make an appropriation from the fund or to appropriate a specific amount to any particular agency or person, or to preclude the Legislature from making any appropriation of any amount from the fund irrespective of any recommendation, provided that the appropriation carries out the purposes of this chapter.

STATEMENT OF FACT

The purpose of this bill is to create a special fund to support programs for alcoholism prevention, education, treatment and research and to endow this fund with premiums paid by those who choose to drink. Among other things, enactment of this bill will likely eliminate the need for General Fund expenditures for alcoholism and will also permit \$1,000,000 in federal Title XX funds to be used for other worthwhile purposes.

Sections 1 through 5 remove from present law certain provisions that conflict with the new chapter enacted by section 8.

Section 7 requires the Liquor Commission to collect the full 2¢ per fluid ounce premium even when liquor is wholesaled to agency stores and other retail licensees.

Section 8 enacts Title 28, chapter 12, on alcoholism prevention, education, treatment and research:

Section 471 states the Legislature's findings and the purposes of chapter 12.

Section 472 establishes a Prevention, Education, Treatment and Research Fund administered by the Treasurer of State and endowed with premiums collected under section 474.

Section 473 establishes a special trust account within the fund to ensure that sufficient moneys will be available in the long term for education and prevention regardless of any decline in the amount of premiums collected.

Section 474 imposes a premium of 2¢ per fluid ounce of alcohol sold and provides for collection in the same manner liquor taxes are collected presently.

Section 475 prescribes the procedure by which the Legislature will appropriate moneys from the fund. The Commissioners of Educational and Cultural Services and Human Services will make detailed recommendations to the Legislature. The public will have an opportunity to make recommendations directly as well. The Legislature will then appropriate moneys as it sees fit to public or private agencies or programs. No agency will be guaranteed any moneys by this bill or given any authority unless a specific appropriation provides for it. Anyone desiring an appropriation will in effect have to make their case to the Legislature.

It is estimated that enactment of this bill will generate approximately \$5,586,000 in fiscal year 1981-82.