

# MAINE STATE LEGISLATURE

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New Draft of H. P. 1270, L. D. 1485  
FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 1654**

H. P. 1539

House of Representatives, May 26, 1981

Reported by The Minority from the Committee on Taxation and Printed  
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EDWIN H. PERT, Clerk

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STATE OF MAINE

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

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

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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 abuse 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 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 construed to permit the commission to sell spirituous and vinous liquor without collecting the entire premium assessed under chapter 12.**

**Sec. 8. 28 MRSA § 451, first paragraph, first sentence**, as amended by PL 1979, c. 130, § 2, is further amended to read:

All spirits and wines, except table wines, shall be sold by the commission at a price to be determined by the commission which will produce a state liquor tax of not less than ~~75%~~ ~~82½%~~ based on the less carload cost f.o.b., State Liquor Commission warehouse, and in addition thereto there shall be levied and imposed an excise tax of ~~75%~~ ~~82½¢~~ per gallon, or its metric equivalent, on wines containing more than 14% alcohol by volume; except that spirits and wines sold at wholesale under section 204 may be sold at wholesale prices established pursuant to the provisions thereof.

**Sec. 9.** 28 MRSA § 451, first paragraph, 3rd sentence, as amended by PL 1967, c. 544, § 66 is further amended to read:

Special orders by the commission for unstocked merchandise shall be priced at not less than ~~75%~~ ~~82½%~~ over actual cost delivered f.o.b. warehouse.

**Sec. 10.** 28 MRSA § 452, first paragraph last sentence, as amended by PL 1979, c. 130, § 3, is further amended to read:

A wholesale licensee who imports malt liquor shall pay an excise tax of ~~25¢~~ ~~27½¢~~ per gallon, or its metric equivalent, and at a like rate for any multiple or fraction thereof.

**Sec. 11.** 28 MRSA § 452, 2nd paragraph, as amended by PL 1979, c. 130, § 4, is further amended to read:

There shall be levied and imposed as excise tax of ~~30¢~~ ~~33¢~~ per gallon, or its metric equivalent, or fraction or multiple thereof, on all table wine containing 14% or less alcohol by volume imported into this State; except the excise tax shall be ~~20¢~~ ~~22¢~~ per gallon, or its metric equivalent, or fraction or multiple thereof on all still wine containing 14% or less alcohol by volume which is manufactured or bottled in this State; and an excise tax of ~~\$1~~ ~~\$1.10~~ per gallon, or its metric equivalent, or multiple or fraction thereof on all sparkling wines manufactured in or imported into this State. Such taxes shall be paid by the Maine manufacturer or the importing wholesaler.

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

## CHAPTER 12

### ALCOHOLISM PREVENTION, EDUCATION, TREATMENT AND RESEARCH

#### § 471 Finding 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 of 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**

1. **Establishment.** There is established a nonlapsing account which shall be used to carry out the purposes of this chapter.

2. **Revenue.** The Treasurer of State shall deposit in the account an amount equal to 9% of the net revenues received pursuant to chapter 11.

3. **Allocation.** Allocations from the account shall be made in accordance with section 473.

4. **Reports.** The State Controller shall maintain records and prepare reports in accordance with Title 5, chapter 143.

**§ 473 Allocations procedure**

1. **Purposes and objects.** The Legislature may make allocations from the account 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, Mental Health and Corrections 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 Commissioner of Human Services shall act as the coordinator in the preparation of this report. Other governmental departments and nongovernmental organizations may be consulted in the preparation of this report. The report shall include their specific recommendations regarding allocations from the account, including agencies or persons to whom allocations should be made and the amounts that should be allocated, 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 allocations from the account.

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 allocations from the account, unless so authorized by the allocation, to require the Legislature to make an allocation from the account or to allocate a specific amount to any particular agency or person, or to preclude the Legislature from making any allocation or any amount from the account irrespective of any recommendation, provided that the allocation carries out the purposes of this chapter.

## FISCAL NOTE

It is estimated that enactment of this new draft will result in the following effect on revenue:

	1981-82	1982-83
General Fund, increase in liquor taxes	\$1,800,000	\$2,400,000
Alcoholism account	(2,109,375)	(2,812,500)
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(Loss to other accounts)	(\$309,375)	(\$412,500)

## STATEMENT OF FACT

This new draft creates a 10% increase in taxes on liquor, beer and wine and provides that 9% of all liquor revenues will be deposited in the alcoholism account. It also includes the Department of Mental Health and Corrections in the allocations process.