

MAINE STATE LEGISLATURE

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

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1655

H. P. 1540

House of Representatives May 26, 1981

Reported by The Majority from the Committee on Taxation Printed under
Joint Rules No. 2.

EDWIN H. PERT, Clerk

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 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 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 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 nonlapsing fund known as the Alcoholism Prevention, Education, Treatment and Research Fund, which shall be used to carry out the purposes of this chapter.

2. **Revenues.** All premiums collected under section 474 and moneys received from any other source shall be deposited to this fund.

3. **Expenditures.** Expenditures shall be made from the fund in accordance with section 475, allocation procedure.

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

§ 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 in the amount specified in subsection 3.

2. **Malt liquor and table wines.** In addition to any other tax or charge imposed under state or federal law, a premium shall be imposed on all malt liquor and table wine manufactured, bottled or imported into this State. The premium shall be in the amount specified in subsection 3. 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. **Amount of premium.** The premium imposed by subsections 1 and 2 shall be 1¢ per fluid ounce of 100% alcohol.

4. **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 section 472.

§ 475. Allocations procedure

1. **Purposes and objects.** The Legislature may make allocations 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, 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 department and nongovernmental organizations may be consulted in the preparation of this report. The report shall include their specific recommendations regarding allocations from the fund, including agencies or persons to whom allocations from the fund, 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 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 allocations from the fund, unless so authorized by the allocation, to require the Legislature to make an allocation from

the fund or to allocate a specific amount to any particular agency or person, or to preclude the Legislature from making any allocation of any amount from the fund irrespective of any recommendation, provided that the allocation carries out the purposes of this chapter.

Sec. 9. Allocations. The following funds are allocated from the Alcoholism Prevention, Education, Treatment and Research Fund to carry out the purposes of this Act.

	1981-82
EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF	
All Other	\$50,000
HUMAN SERVICES, DEPARTMENT OF	
Community Based Services	97,870
This amount replaces federal funds which were lost as of January, 1981.	
MENTAL HEALTH AND CORRECTIONS, DEPARTMENT OF	
All Other	50,000
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Total:	\$197,870

FISCAL NOTE

It is estimated that enactment of this new draft would result in the following revenue for the Alcoholism Prevention, Education, Treatment and Research Fund.

	1981-82	1982-83
Alcoholism Prevention, Education, Treatment and Research Fund	\$2,094,750	\$2,793,000

Considering the allocation of \$197,870 from the fund in 1981-82, \$1,896,880 would remain in the fund for fiscal year 1981-82 for future allocation.

STATEMENT OF FACT

This new draft makes the following changes.

1. It provides that the Alcoholism Prevention, Education, Treatment and Research Fund shall be nonlapsing.

2. It streamlines the allocations procedure and includes the Department of Mental Health and Corrections.
3. It removes the provision for a special trust account.
4. It provides that the premium will be 1¢ per fluid ounce of 100% alcohol.
5. It allocates \$97,870 to the Department of Human Services to replace federal funds which were lost by the State in January, 1981, and \$50,000 each to the Department of Educational and Cultural Services and the Department of Mental Health and Corrections.