

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
124TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 637, L.D. 919, Bill, "An Act To Prevent and Treat Cancer in Maine by Implementing Critical Portions of the Comprehensive Cancer Program"

Amend the bill by striking out all of sections 1 to 3 and inserting the following:

Sec. 1. 22 MRSA §1554-A, sub-§1, as repealed and replaced by PL 2003, c. 452, Pt. K, §5 and affected by Pt. X, §2, is amended to read:

1. Prohibition. A person may not:

A. Sell cigarettes except in the original sealed package in which they were placed by the manufacturer, which may not be smaller than 20 cigarettes per package; or

B. Sell cigarettes in smaller quantities than placed in the package by the manufacturer.

For the purposes of this section, "cigarette" has the same meaning as in Title 36, section 4361, subsection 1-A.

Sec. 2. 36 MRSA §4361, sub-§1-A, as amended by PL 1997, c. 458, §1, is repealed and the following enacted in its place:

1-A. Cigarette. "Cigarette" means:

A. A cigarette as defined in Section 5702 of the Code; or

B. A little cigar.

Sec. 3. 36 MRSA §4361, sub-§4-B is enacted to read:

4-B. Little cigar. "Little cigar" means a roll of tobacco that is wrapped in a reconstituted tobacco sheet or any other substance, other than leaf tobacco, containing tobacco and that:

A. Has a typical cigarette size and shape with a cellulose acetate or other cigarette-type integrated filter;

1111

1 B. Is marketed in a traditional cigarette-type package or a package that bears a  
2 product designation or tax classification specified in 27 Code of Federal Regulations,  
3 Section 40.214(c); or

4 C. Has a filler that consists primarily of flue-cured, burley, oriental or unfermented  
5 tobacco or any other material that yields the smoking characteristics of those  
6 tobaccos.

7 **Sec. 4. 36 MRSA §4401, sub-§1-A** is enacted to read:

8 **1-A. Cigar.** "Cigar" means a tobacco product that consists of:

9 A. A roll of tobacco wrapped in leaf tobacco; or

10 B. A roll of tobacco wrapped in a substance other than leaf tobacco and that is not  
11 defined as a cigarette under section 4361, subsection 1-A.

12 **Sec. 5. 36 MRSA §4401, sub-§6-A** is enacted to read:

13 **6-A. Roll-your-own tobacco.** "Roll-your-own-tobacco" means loose or other  
14 tobacco suitable for making cigarettes.

15 **Sec. 6. 36 MRSA §4403, sub-§2,** as amended by PL 2005, c. 627, §8, is further  
16 amended to read:

17 **2. Other tobacco.** A tax is imposed on cigars, pipe tobacco and other tobacco  
18 intended for smoking, other than roll-your-own tobacco, at the rate of 20% of the  
19 wholesale sales price beginning October 1, 2005.

20 **Sec. 7. 36 MRSA §4403, sub-§2-A** is enacted to read:

21 **2-A. Roll-your-own tobacco.** A tax is imposed on roll-your-own tobacco at the rate  
22 of 100 mills for each 0.036 of an ounce beginning October 1, 2009.'

23 Amend the bill by striking out all of section 5 and inserting the following:

24 **'Sec. 5. Appropriations and allocations.** The following appropriations and  
25 allocations are made.

26 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

27 **Comprehensive Cancer Screening, Detection and Prevention Fund Z054**

28 Initiative: Appropriates funds for comprehensive cancer screening.

29	<b>GENERAL FUND</b>	<b>2009-10</b>	<b>2010-11</b>
30	All Other	\$2,000,000	\$2,500,000
31			
32	<b>GENERAL FUND TOTAL</b>	<u>\$2,000,000</u>	<u>\$2,500,000</u>

33 **Sec. 6. Effective date.** This Act takes effect October 1, 2009.'

34 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
35 section number to read consecutively.

**SUMMARY**

1  
2 This amendment provides funding for the implementation of a comprehensive  
3 screening, detection and prevention program by taxing little cigars as cigarettes and  
4 increasing the rate of tax on roll-your-own tobacco to 100 mills for each 0.036 of an  
5 ounce.

**FISCAL NOTE REQUIRED**

(See attached)



# 124th MAINE LEGISLATURE

LD 919

LR 1256(02)

## An Act To Prevent and Treat Cancer in Maine by Implementing Critical Portions of the Comprehensive Cancer Program

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Taxation

Fiscal Note Required: Yes

### Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
<b>Net Cost (Savings)</b>				
General Fund	(\$429,837)	(\$1,630,725)	(\$1,713,339)	(\$1,797,605)
<b>Appropriations/Allocations</b>				
General Fund	\$2,000,000	\$2,500,000	\$2,500,000	\$2,500,000
<b>Revenue</b>				
General Fund	\$2,429,837	\$4,130,725	\$4,213,339	\$4,297,605
Other Special Revenue Funds	\$5,799	\$9,859	\$10,056	\$10,257

#### Fiscal Detail and Notes

Provides an appropriation of \$2,000,000 in 2009-10 and \$2,500,000 in 2010-11 for the Comprehensive Cancer Screening, Detection and Prevention Fund in the Department of Health and Human Services to fund comprehensive cancer screening. The bill also assumes an increase in General Fund revenue of \$2,429,837 in FY 2009-10 and \$4,130,725 in FY 2010-11 from requiring little cigars to be taxed as cigarettes and increases the rate of tax on roll-your-own tobacco. This additional tax will also increase Local Government Fund revenue by \$5,799 in FY 2009-10 and \$9,859 in FY 2010-11.