

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1226

H.P. 917

House of Representatives, March 22, 2011

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

Reference to the Committee on Taxation suggested and ordered printed.

Handwritten signature of Heather J.R. Priest in cursive.

HEATHER J.R. PRIEST
Clerk

Presented by Representative STRANG BURGESS of Cumberland.
Cosponsored by Senator SAVIELLO of Franklin and
Representatives: BEAUDOIN of Biddeford, BEAVERS of South Berwick, BERRY of
Bowdoinham, BLACK of Wilton, BLODGETT of Augusta, BOLAND of Sanford, BRIGGS of
Mexico, BURNS of Whiting, CAREY of Lewiston, CELLI of Brewer, CHIPMAN of Portland,
CLARK of Millinocket, CLARKE of Bath, CUSHING of Hampden, DAMON of Bangor,
DILL of Cape Elizabeth, DION of Portland, EDGECOMB of Caribou, FITZPATRICK of
Houlton, GILBERT of Jay, GRAHAM of North Yarmouth, GUERIN of Glenburn, HANLEY
of Gardiner, HARLOW of Portland, HARMON of Palermo, HINCK of Portland, HOGAN of
Old Orchard Beach, HUNT of Buxton, INNES of Yarmouth, JOHNSON of Eddington,
KAENRATH of South Portland, KUMIEGA of Deer Isle, LAJOIE of Lewiston, LONGSTAFF
of Waterville, MAKER of Calais, MALABY of Hancock, MALONEY of Augusta, MARTIN
of Eagle Lake, McFADDEN of Dennysville, MORRISON of South Portland, PARKER of
Veazie, PEOPLES of Westbrook, PETERSON of Rumford, PICCHIOTTI of Fairfield,
RANKIN of Hiram, ROCHELO of Biddeford, ROSEN of Bucksport, RUSSELL of Portland,
STEVENS of Bangor, THERIAULT of Madawaska, TIMBERLAKE of Turner, TUTTLE of
Sanford, VOLK of Scarborough, WAGNER of Lewiston, WOOD of Sabattus, Senators:
GERZOFSKY of Cumberland, HOBBS of York, WOODBURY of Cumberland.

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

2 **Sec. 1. 36 MRSA §4403, sub-§1**, as repealed and replaced by PL 2009, c. 213,
3 Pt. H, §1 and affected by §3, is repealed.

4 **Sec. 2. 36 MRSA §4403, sub-§2**, as amended by PL 2005, c. 627, §8, is repealed.

5 **Sec. 3. 36 MRSA §4403, sub-§2-A** is enacted to read:

6 **2-A. Tax rate.** A tax is imposed at the rate of \$2.00 per ounce on:

7 A. Smokeless tobacco, including chewing tobacco and snuff. The tax on a package
8 containing less than one ounce of smokeless tobacco is \$2.00 per package;

9 B. Cigars;

10 C. Pipe tobacco; and

11 D. Other tobacco intended for smoking.

12 **Sec. 4. 36 MRSA §4403, sub-§5** is enacted to read:

13 **5. Equivalence with cigarette tax.** If the tax on cigarettes under chapter 703 is
14 increased or decreased, the State Tax Assessor shall calculate a rate of tax per ounce on
15 tobacco products under this section that is substantially equivalent to the tax on cigarettes
16 per ounce. The assessor shall submit a bill to the Legislature at the earliest opportunity to
17 amend this section to incorporate equivalent rates.

18 **Sec. 5. PL 2007, c. 341, §2** is repealed and the following enacted in its place:

19 **Sec. 2. Maine cancer plan implementation.** The Department of Health and
20 Human Services shall, contingent upon availability of funding, establish a comprehensive
21 cancer screening, detection and prevention program pursuant to the Maine Revised
22 Statutes, Title 22, section 1407, subsection 1, paragraph E based on the implementation
23 strategy developed by the Maine Cancer Consortium for "The Maine Comprehensive
24 Cancer Control Plan 2011-2015."

25 **Sec. 6. Appropriations and allocations.** The following appropriations and
26 allocations are made.

27 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**
28 **Comprehensive Cancer Screening, Detection and Prevention Fund Z054**

29 Initiative: Provides funds for comprehensive cancer screening.

30			
31	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
32	All Other	\$2,000,000	\$2,500,000
33			
34	OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,000,000	\$2,500,000

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Sec. 7. Effective date. This Act takes effect October 1, 2011.

SUMMARY

This bill provides funding for a portion of the cancer prevention and control program plan originally enacted into law during the First Regular Session of the 123rd Legislature by providing an ongoing Other Special Revenue Funds allocation for a comprehensive cancer screening, detection and prevention program. This bill requires all tobacco products other than cigarettes to be taxed at the rate of \$2.00 per ounce to provide the funding.