

MAINE STATE LEGISLATURE

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Date: 4/17/2013

MINORITY

(Filing No. S- 34)

HEALTH AND HUMAN SERVICES

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STATE OF MAINE

SENATE

126TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 14, L.D. 22, Bill, "An Act To Promote Equity in Business Opportunity for Tobacco Specialty Stores"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 22 MRSA §1542, sub-§2, ¶L, as amended by PL 2007, c. 180, §2, is further amended to read:

L. Smoking is not prohibited in a tobacco specialty store. The on-premises service, preparation or consumption of food or drink, if the tobacco specialty store is not licensed for such service or consumption prior to January 1, 2007, is prohibited in such a store except that a tobacco specialty store may be licensed as a cigar lounge to serve alcoholic beverages under the provisions of this paragraph. Smoking a waterpipe or hookah is prohibited in a tobacco specialty store that is newly licensed or that requires a new license after January 1, 2007. For the purposes of this paragraph, "cigar lounge" means a business that:

- (1) Is licensed as a tobacco specialty store;
- (2) Has a gross floor area of under 2,000 square feet;
- (3) Derived 60% or more of its gross revenue for the prior calendar year from the sale of tobacco-related products;
- (4) Does not sell cigarettes or allow the smoking of cigarettes on the premises;
- (5) Does not prepare food on premises for sale;
- (6) Provides notice to all applicants for employment and employees that working in a cigar lounge may cause serious negative health effects, including an increased risk of cancer and heart disease, and that no level of exposure to environmental tobacco smoke is safe; and
- (7) Holds a current Class A license for the sale of spirits, wine and malt liquor issued pursuant to Title 28-A, section 1065.'

COMMITTEE AMENDMENT

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SUMMARY

This amendment is the minority report of the committee and replaces the bill. It allows a tobacco specialty store to be licensed as a cigar lounge and to be licensed to sell alcoholic beverages. A tobacco specialty store that is a cigar lounge may not sell cigarettes or prepare food on premises for sale. A tobacco specialty store that is a cigar lounge must provide notice about the dangers of environmental tobacco smoke to applicants for employment and employees.

FISCAL NOTE REQUIRED

(See attached)



Approved: 04/03/13 *MAC*

126th MAINE LEGISLATURE

LD 22

LR 400(03)

An Act To Promote Equity in Business Opportunity for Tobacco Specialty Stores

Fiscal Note for Bill as Amended by Committee Amendment "A" (5-34)

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Minor savings - General Fund
Minor revenue decrease - General Fund
Minor cost increase - Other Special Revenue Funds
Minor revenue increase - Other Special Revenue Funds

Correctional and Judicial Impact Statements

Decreases the number of civil violations.

A reduction in fines will decrease General Fund revenue by minor amounts.

Fiscal Detail and Notes

The bill as amended may increase Other Special Revenue Funds revenue a small amount if new specialty stores are established. The license fee for a tobacco specialty store is \$150. Any additional costs to the Department of Health and Human Services are expected to be minor.