

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

| | |
|---|---|
| CON RES XXX..... | Chapter # of Constitutional Resolution passed by both Houses |
| CONF CMTE UNABLE TO AGREE..... | Committee of Conference unable to agree; bill died |
| DIED BETWEEN BODIES..... | House & Senate disagree; bill died |
| DIED IN CONCURRENCE..... | One body accepts ONTP report; the other indefinitely postpones the bill |
| DIED ON ADJOURNMENT..... | Action incomplete when session ended; bill died |
| EMERGENCY..... | Enacted law takes effect sooner than 90 days |
| FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... | Emergency bill failed to get 2/3 vote |
| FAILED ENACTMENT/FINAL PASSAGE..... | Bill failed to get majority vote |
| FAILED MANDATE ENACTMENT..... | Bill imposing local mandate failed to get 2/3 vote |
| NOT PROPERLY BEFORE THE BODY..... | Ruled out of order by the presiding officers; bill died |
| INDEF PP..... | Bill Indefinitely Postponed |
| ONTP (or Accepted ONTP report)..... | Ought Not To Pass report accepted |
| OTP-ND..... | Committee report Ought To Pass In New Draft |
| P&S XXX..... | Chapter # of enacted Private & Special Law |
| PASSED..... | Joint Order passed in both bodies |
| PUBLIC XXX..... | Chapter # of enacted Public Law |
| RESOLVE XXX..... | Chapter # of finally passed Resolve |
| UNSIGNED..... | Bill held by Governor |
| VETO SUSTAINED..... | Legislature failed to override Governor's Veto |

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Health and Human Services

LD 1361

An Act Concerning Certain Flavored Cigarettes and Flavored Cigars and Hard Snuff

PUBLIC 467

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> | |
|-------------------|-------------------------|---------------------------|---------|
| MILLS P | OTP-AM | H-544 | FITTS |
| | | S-180 | |
| | | S-230 | MILLS P |
| | | S-354 | ROTUNDO |

This bill prohibits the sale or distribution of certain flavored cigarettes and cigars in the State.

Committee Amendment "A" (S-180)

This amendment removes from the bill the provisions concerning promotional materials and provides a beginning date of July 1, 2009 for the restrictions on selling flavored cigarettes and cigars. The amendment provides a process for certain flavored cigarettes and cigars to be sold, including an exemption granted by the Attorney General. It restricts purchases of flavored cigarettes and cigars by tobacco distributors. It requires the Attorney General to maintain on a publicly accessible website a list of flavored cigarettes and cigars that are authorized for sale in the State. It provides a transition time period for flavored tobacco products held in stock before July 1, 2009. It also bans the sale of the smokeless tobacco product called "hard snuff."

Senate Amendment "A" (S-230)

This amendment requires the Attorney General to verify the statement by the manufacturer that a flavored cigarette or flavored cigar was on the market prior to January 1, 1985. The amendment also requires the Attorney General to establish and administer a process by rule for granting exemptions for flavored cigarettes and flavored cigars that were first on the market after January 1, 1985 based on a determination by the Attorney General that the characterizing flavor and the associated packaging, promotion and brand style do not directly or indirectly target youth or encourage the initiation of smoking. This amendment makes the rules adopted by the Attorney General major substantive rather than routine technical.

House Amendment "A" (H-544)

This amendment requires that the Attorney General adopt rules no later than January 15, 2008 and report to the Joint Standing Committee on Health and Human Services on the preliminary implementation of the law no later than February 1, 2008. This amendment authorizes the committee to report out legislation to the Second Regular Session of the 123rd Legislature.

Senate Amendment "B" (S-354)

This amendment provides for the transfer of funds from the Fund for a Healthy Maine to the General Fund to offset the revenue loss to the General Fund from the prohibition on the sale of certain flavored cigarettes and cigars.

Enacted Law Summary

Public Law 2007, chapter 467 bans the sale of certain flavored cigarettes and cigars beginning January 1, 2009. It provides for adoption of major substantive rules by the Attorney General and a report on preliminary implementation of the law to the Health and Human Services Committee by February 1, 2008. The law authorizes the committee to report out legislation to the Second Regular Session of the 123rd Legislature. The law provides for a transfer of funds from the Fund for a Healthy Maine to offset revenue loss. The law bans the sale of "hard snuff" beginning September 20, 2007.