

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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Sec. 1. 22 MRSA §1554-A, sub-§1, as repealed and replaced by PL 2003, c. 452, Pt.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Sec. 2. 36 MRSA §4361, sub-§1-A, as amended by PL 1997, c. 458, §1, is repealed and the following enacted in its place: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;
- B. Is marketed in a traditional cigarette-type package or a package that bears a product designation or tax classification specified in 27 Code of Federal Regulations, Section 40.214(c); or
- C. Has a filler that consists primarily of flue-cured, burley, oriental or unfermented tobacco or any other material that yields the smoking characteristics of those tobaccos.

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

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

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

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

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

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

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

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

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

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

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Comprehensive Cancer Screening, Detection and Prevention Fund Z054

Initiative: Appropriates funds for comprehensive cancer screening.

GENERAL FUND	2009-10	2010-11
All Other	\$2,000,000	\$2,500,000
GENERAL FUND TOTAL	\$2,000,000	\$2,500,000

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

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

SUMMARY

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

FISCAL NOTE REQUIRED
(See attached)