



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 536

H.P. 419

House of Representatives, February 15, 2011

### An Act To Help Deter Youth Smoking and To Help Smokers Quit

(EMERGENCY)

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Reference to the Committee on Taxation suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative FLEMINGS of Bar Harbor.  
Cosponsored by Senator ALFOND of Cumberland and  
Representatives: BERRY of Bowdoinham, BRYANT of Windham, DILL of Cape Elizabeth,  
EVES of North Berwick, ROCHELO of Biddeford, SANBORN of Gorham, Senator:  
CRAVEN of Androscoggin.

1           **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** this legislation needs to take effect before the expiration of the 90-day  
4 period in order to help prevent tobacco use by children and help smokers quit smoking;  
5 and

6           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
7 the meaning of the Constitution of Maine and require the following legislation as  
8 immediately necessary for the preservation of the public peace, health and safety; now,  
9 therefore,

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

11           **Sec. 1. 36 MRSA §4365,** as amended by PL 2005, c. 457, Pt. AA, §1 and affected  
12 by §8, is further amended to read:

13 **§4365. Rate of tax**

14           A tax is imposed on all cigarettes imported into this State or held in this State by any  
15 person for sale at the rate of ~~400~~ 175 mills for each cigarette. Payment of the tax is  
16 evidenced by the affixing of stamps to the packages containing the cigarettes.

17           **Sec. 2. 36 MRSA §4365-F,** as enacted by PL 2005, c. 457, Pt. AA, §3 and  
18 affected by §8, is repealed.

19           **Sec. 3. 36 MRSA §4365-G** is enacted to read:

20 **§4365-G. Application of cigarette tax rate increase effective July 1, 2011**

21           The following provisions apply to cigarettes held for resale on July 1, 2011.

22           **1. Stamped rate.** Cigarettes stamped at the rate of 100 mills per cigarette and held  
23 for resale after June 30, 2011 are subject to tax at the rate of 175 mills per cigarette.

24           **2. Liability.** A person possessing cigarettes for resale is liable for the difference  
25 between the tax rate of 175 mills per cigarette and the tax rate of 100 mills per cigarette in  
26 effect before July 1, 2011. Stamps indicating payment of the tax imposed by this section  
27 must be affixed to all packages of cigarettes held for resale as of July 1, 2011, except that  
28 cigarettes held in vending machines as of that date do not require that stamp.

29           **3. Vending machines.** Notwithstanding any other provision of this chapter, it is  
30 presumed that all cigarette vending machines are filled to capacity on July 1, 2011 and  
31 that the tax imposed by this section must be reported on that basis. A credit against this  
32 inventory tax must be allowed for cigarettes stamped at the rate of 175 mills per cigarette  
33 placed in vending machines before July 1, 2011.

34           **4. Payment.** Payment of the tax imposed by this section must be made to the  
35 assessor by September 1, 2011, accompanied by forms prescribed by the assessor.

