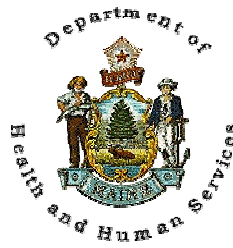


John Elias Baldacci
Governor



John R. Nicholas
Commissioner

Maine Department of Health and Human Services
11 State House Station
Augusta, Maine 04333-0011

June 27, 2005

Dear Tobacco Retailer;

The 122nd legislature has passed and the Governor has signed new laws that will affect the licensing of tobacco retailers for this license renewal cycle in July 2005. This letter is intended to inform you of these recent changes to the retail tobacco sale laws, and to solicit your written response to these changes on the enclosed survey form to assist the Department with its implementation.

License Fees:

Public Law 2005 c. 12, Part TT, Sections TT-1 and TT-2, effective July 1, 2005, requires the Department to implement a sliding scale license fee.

The Department will issue emergency rules pursuant to the above referenced law in order to facilitate license renewals that are due by July 29, 2005. The proposed fee schedule, based on tobacco sales, adopted is:

Table 3A: Retail Tobacco License Fees

LICENSE TYPE	FEE	
Retail Tobacco I < 30% annual gross revenue	\$100	
Retail Tobacco II > 30% of annual gross revenue	\$125	
Retail Tobacco III > 50% of annual gross revenue	\$150	
Seasonal Mobile Tobacco Vendor License (Fair Vendor)	\$50 base + \$10 for each additional fair location	Please submit your license renewal
Tobacco Vending Machine	\$50 per machine	

application with the stated fee. If you have not yet received a license renewal notice it will arrive soon. Renewal fees have been determined based on the type of business on record. If you feel that the fee is not correct, based on the above criteria, you may submit reliable documentation of your sales data including gross revenue and tobacco category data which will be reviewed and considered for a fee credit. Please submit any requests for reconsideration to: Retail Tobacco Licensing, Eating and Lodging Program, Division of Health Engineering, 11 State House Station, Augusta, Maine 04333-0011

Physical Location:
Bureau of Health
286 Water Street, 4th Floor
Augusta, Maine 04333-0011

Voice: (207) 287-4627
Fax: (207) 287-4636
TTY: (207) 287-8015

Fair Vendors:

Public Law c. 145 allows retailers selling at agricultural fairs to obtain a single license. The law requires, "A license issued under this subsection must clearly specify the name and location of each fair, festival or exhibition at which the licensee is authorized to operate and, for each location, the specific dates and number of machines for which the licensee is authorized. A licensee may not operate at any agricultural fair, festival or exhibit except as specifically provided in that license." This law was passed as an emergency and was effective May 20, 2005.

Age Requirement for Clerks Selling Tobacco:

Public Law 2005 c. 223 will require the following, "For direct, face-to-face sales, employees who sell tobacco products must be at least 17 years of age. An employee who is at least 17 years of age but less than 21 years of age may sell tobacco products only in the presence of an employee who is at least 21 years of age and is in a supervisory capacity." These requirements are identical to requirements for the sale of liquor and will become effective in September 17, 2005, 90 days after the adjournment of the legislature.

Age Restriction for Tobacco Specialty Stores:

Public Law 2005 c. 223 will further require that, "A person under 18 years of age is prohibited from entering a business licensed as a tobacco specialty store unless accompanied by a parent or legal guardian, regardless of whether smoking is allowed in that store." Public Law 2005 c. 223 also defines Tobacco Specialty Store as follows, "Tobacco specialty store" means a retail business under 2,000 square feet in which at least 60% of the business's gross revenue for the last calendar year was derived from the sale of tobacco or tobacco-related products." These requirements will become effective in September 17, 2005,

Because license fees are to be determined by rulemaking in the future we ask that you return the enclosed questionnaire regarding information that may be used for future adjustments to license fees and other programs for retail tobacco licensees.

Finally, retailers are reminded that a responsible retailing program, "No Buts, Blocking Underage Tobacco Sales" is available to all licensees. "No Buts" offers compliance credits when implemented and a record of compliance is established. For licensees currently enrolled in the No Buts program, please review the requirements to assure that you have implemented the required practices and qualify for credits. If you have any questions about the "No Buts" program you may call 207-626-8837 for more information on participating

Thank you in advance for your cooperation and assistance in implementing these new laws. If you have any questions or comments regarding the information in this notice, please contact the Tobacco Enforcement Coordinator, Office of the Attorney General at 207-626-8837, or Partnership for a Tobacco Free Maine at 207-287-5381. Should you have questions regarding your retail tobacco license, please contact the Eating and Lodging Program at 207-287-5671.

Sincerely,

John Archard
Tobacco Enforcement Coordinator
Office of the Attorney General

MaryBeth Welton
Program Manager
Bureau of Health
Partnership for a Tobacco Free Maine