



TESTIMONY of Megan Diver
Vice President
Maine Energy Marketers Association

**BEFORE THE JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES
In Opposition to LD 1550**

" An Act To End the Sale of Flavored Tobacco Products"

Senator Claxton, Representative Meyer, and members of the Health and Human Services Committee, my name is Megan Diver, I am the Vice President of the Maine Energy Marketers Association (MEMA).

MEMA is a trade association composed of approximately 300-member companies and over 5,000 direct and 5,000 indirect people working in energy delivery and servicing businesses delivering heating oil, biofuels, motor fuels, propane, pellets and kerosene and offering service and installations on the equipment that operates these fuels. In addition, our members own and operate 70% of Maine's 1,300 convenience stores, throughout Maine and employ approximately 10,000 Maine people and sell more than 1 billion gallons of gasoline and diesel fuel each year. Our members also sell more than 90% of all the propane sold in our state every year. We provide education and training to the heating, ventilation, air conditioning, weatherization, and energy auditing trades for hundreds of Maine citizens annually through our courses at our own state of the art training facility MEMA Technical Education Center (MTEC) in Brunswick.

While we appreciate the intentions of LD 1550, we are opposed to the bill.

This proposal will not work and we believe it will be counterproductive.

Prohibition for adults doesn't work — it never has and never will

As with alcohol and cannabis, prohibition

- creates black markets
- creates massive burdens for law enforcement
- shifts tax revenues to smugglers and other criminals
- is dangerous for consumers

Maine has rejected prohibition — on alcohol, on cannabis, and even on tobacco in the past. Marijuana has been legalized in Maine

Conversely, today we have eliminated the prohibition on marijuana and are actively regulating flavored marijuana products.

Eliminating flavors for adults can undermine public health

According to studies, flavors are important reasons smokers switch to less harmful. Thus, banning flavors could result in fewer adult smokers switching

Penalizes Maine Retailers

This bill will penalize Maine's retailers. The sale of these products will go underground, over the border, or most likely simply through internet sales. All to the detriment of local businesses who already are at a disadvantage to New Hampshire because of punitive taxation differences (motor fuels taxes, cigarette taxes, liquor taxes — all higher in Maine; labor (minimum wage and income tax higher in Maine) food and beverage taxes. Flavored tobacco sales are 30-35% of cigarette sales. Massachusetts stopped this last year and most of Maine vacationers are from Massachusetts. This proposal gives them just one more reason to stock up in New Hampshire on their way to Vacationland.

We ask the Committee to oppose this LD 1423. Thank you.