

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1355

S. P. 396

In Senate, April 4, 1977

Referred to the Committee on Taxation. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary

Presented by Senator Martin of Aroostook.
Cosponsor. Senator Pierce of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Regarding the Sales Tax for Sales Made Through Vending Machines.

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

Sec. 1. 36 MRSA § 1752, sub-§ 11, as last amended by PL 1975, c. 765, § 19, is further amended by adding after the 2nd sentence, the following new sentence:

The term "retail sale" or "sale at retail" shall also mean sale of products to a person for resale through coin-operated vending machines when sold to a retailer whose gross receipts from the retail sale of tangible personal property derived through sales from vending machines are more than 50% of his gross receipts which tax shall be paid by the retailer to the State.

Sec. 2. 36 MRSA § 1760, sub-§ 3, is amended by adding after the 3rd paragraph, the following new paragraph:

"Food products" shall not include any product sold to a person for resale through coin-operated vending machines when sold to a retailer whose gross receipts from the retail sale of tangible personal property derived through sales from vending machines are more than 50% of his gross receipts.

Sec. 3. 36 MRSA § 1760, sub-§ 34, 1st sentence, as enacted by PL 1973, c. 766, § 1, is amended to read:

Sales of tangible personal property when sold through a coin-operated vending machine for a total consideration of 15¢ or less.

STATEMENT OF FACT

Automatic retailers, unlike their counterparts who sell the same products manually, do not have the ability to collect the sales tax with each sale as is required by law. This is due to mechanical limitations inherent in the equipment in that the machine cannot accept pennies and pricing must, therefore, be made at a minimum increment of a nickel. This bill provides sales tax to be imposed on the retailers' cost for items sold and eliminates the 15¢ exemption provided for in the present law. This legislation will not cause any gain or loss of revenue.