

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

---

Legislative Document

No. 233

H.P. 168

House of Representatives, February 16, 1989

Reference to the Committee on Taxation suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative HOGLUND of Portland.

Cosponsored by Senator BRANNIGAN of Cumberland, Speaker MARTIN of Eagle Lake and Representative JACKSON of Harrison.

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

---

An Act Relating to the Meals Tax.

---



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

3               **Sec. 1. 30-A MRSA §5681, sub-§5,** as enacted by PL 1987, c.  
737, Pt. A, §2, is amended to read:

5  
7               **5. Treasurer of State.** An amount equal to 5.1% of the  
receipts from the taxes imposed under Title 36, Parts 3 and 8,  
9               and credited to the General Fund, plus an amount equal to  
\$237,000 of the receipts from the tax imposed under Title 36,  
11              Part 3, and 1/7 of the receipts from the tax imposed by Title 36,  
section 1752, subsection 17-A, paragraph G shall be transferred  
13              by the Treasurer of State to the Local Government Fund on the  
first day of each month.

15              The Treasurer of State shall distribute the balance in the Local  
Government Fund on the 20th day of each month.

17              **Sec. 2. 36 MRSA §1752, sub-§17-A, ¶¶E and F,** as enacted by PL  
1987, c. 497, §25, are amended to read:

21              E. Fabrication services; and

23              F. Custom computer programming, including, but not limited  
to, modification of a standard program; and

25              **Sec. 3. 36 MRSA §1752, sub-§17-A, ¶G** is enacted to read:

27              G. Meals served in Class A restaurants, as defined in Title  
29              28-A, section 2, subsection 15, paragraph R.

31              **Sec. 4. 36 MRSA §1760, sub-§3,** as repealed and replaced by PL  
1985, c. 819, Pt. A, §§40 and 41, is amended to read:

33              **3. Food products.** Sales of food products except:

35              A. Meals served on or off the premises of the retailer;

37              B. Drinks or food furnished, prepared or served for  
39              consumption at tables, chairs or counters, or from trays,  
41              glasses, dishes or other tableware provided by the retailer;

43              C. Those products which ordinarily are sold by the retailer  
for immediate consumption on or near the location of the  
45              retailer, even though the products are sold on a "take out"  
or "to go" order and are actually packaged or wrapped and  
taken from the premises;

47              D. Those made from a retail location from which food  
49              ordinarily is sold for consumption without further  
preparation or storage, even though the products are  
51              packaged or wrapped in bulk quantities; and

1 E. Sales of heated food or drinks; sandwiches; ice cream or  
3 ice milk in a cone or cup, including sundaes, sodas, frappes  
and the like, ice cream or ice milk novelties and popsicles.

5 "Food products," for the purposes of this subsection, shall  
7 include food; spirituous, malt or vinous liquors; soft drinks,  
9 sodas or beverages served on or off the premises of the retailer,  
which are subject to tax pursuant to section 1752, subsection  
17-A.

11

13

### STATEMENT OF FACT

15 The purpose of this bill is to include meals served in Class  
17 A restaurants to the list of taxable services as defined in the  
Maine Revised Statutes, Title 36, section 1752, subsection 17-A  
19 and to include these food items in Title 36, section 1760,  
subsection 3 that are taxed at 7%.

21 It is estimated that this bill will result in an annual  
23 increase in revenue sharing of approximately \$11,000,000 to  
\$14,000,000.