

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to H.P. 654,
L.D. 928, Bill, "An Act to Make Supplemental Appropriations and
Allocations for the Expenditures of State Government and to
Change Certain Provisions of the Law Necessary to the Proper
Operations of State Government for the Fiscal Years Ending June
30, 1992 and June 30, 1993"

Amend the amendment by inserting before the emergency clause
the following:

PART K

Sec. K-1. 36 MRSa §1752, sub-§3-A, as enacted by PL 1985, c.
783, §2, is repealed.

Sec. K-2. 36 MRSa §1752, sub-§§3-B, 8-A and 14-C are enacted to
read:

3-B. Grocery staples. "Grocery staples" means food
products ordinarily consumed for human nourishment and includes,
but is not limited to, cereals and grain products, including
bread and rolls; milk and milk products; oleomargarine; meat and
meat products; fish and seafood products; poultry; eggs and egg
products; vegetables and vegetable products, including pickles;
fruit and fruit products, including fruit juices and fruit
sauces; naturally flavored powdered or liquid drink mixes or
drinks; spices, condiments, including jams, jellies and peanut
butter, salt and sugar; coffee and tea; and unroasted nuts.

"Grocery staples" does not include spirituous, malt or vinous
liquors; soft drinks, iced tea, sodas or beverages such as are
ordinarily dispensed at bars or soda fountains or in connection
with bars or soda fountains; medicines, tonics, vitamins and
preparations in liquid, powdered, granular, tablet, capsule,
lozenge or pill form, sold as dietary supplements or adjuncts,
except when sold on the prescription of a physician; water,
including mineral bottled and carbonated waters and ice; dietary
substitutes; snack food; and prepared food.

2 8-A. Prepared food. "Prepared food" means meals served on
3 or off the premises of the retailer; drinks or food furnished,
4 prepared or served for consumption at tables, chairs or counters
5 or from trays, glasses, dishes or other tableware provided by the
6 retailer; food that is ordinarily sold by the retailer for
7 immediate consumption on or near the location of the retailer,
8 even though the products are sold on a take-out or to-go order
9 and are actually packaged or wrapped and taken from the premises;
10 food that is sold from a retail location from which food is
11 ordinarily sold for consumption without further preparation or
12 storage; heated food or drinks; and sandwiches.

14 14-C. Snack food. "Snack food" means any item that is
15 ordinarily sold for consumption without further preparation or
16 that requires no preparation other than combining the item with a
17 liquid; that may be stored unopened without refrigeration, except
18 that ice cream, ice milk, frozen yogurt and sherbet are snack
19 foods; that is not generally considered a major component of a
20 well-balanced meal; and that is not defined in this section as a
21 grocery staple. "Snack food" includes, but is not limited to,
22 corn chips, potato chips, processed fruit snacks, fruit rolls,
23 fruit bars, popped popcorn, pork rinds, pretzels, cheese sticks
24 and cheese puffs, granola bars, breakfast bars, bread sticks,
25 roasted nuts, doughnuts, cookies, crackers, pastries, toaster
26 pastries, croissants, cakes, pies, ice cream cones, marshmallows,
27 marshmallow creme, artificially flavored powdered or liquid drink
28 mixes or drinks, ice cream sauces including chocolate sauce,
29 ready-to-eat puddings, beef jerky, meat bars and dips.

30 Sec. K-3. 36 MRSa §1760, sub-§3, as amended by PL 1989, c.
31 847, §2, is repealed and the following enacted in its place:

32 3. Grocery staples. Sales of grocery staples.

33 Sec. K-4. Effective date. This Part takes effect September 1,
34 1991.

PART L

35 Sec. L-1. 36 MRSa §1811, first ¶, as repealed and replaced by
36 PL 1989, c. 871, §16, is amended to read:

37 A tax is imposed on the value of all tangible personal
38 property and taxable services sold at retail in this State. The
39 rate of tax is ~~10%~~ 8% on the value of liquor sold in licensed
40 establishments as defined in Title 28-A, section 2, subsection
41 15, in accordance with Title 28-A, chapter 43; ~~7%~~ 8% on the value
42 of rental of living quarters in any hotel, rooming house, tourist
43 or trailer camp and rental for a period of less than one year of

an automobile; 8% on the value of prepared food sold in establishments that are licensed for on-premises consumption of liquor pursuant to Title 28-A, chapter 43; and 5% 6% on the value of all other tangible personal property and taxable services. Value is measured by the sale price, except as otherwise provided.

Sec. L-2. 36 MRSA §1812, sub-§1, ¶¶A and B, as repealed and replaced by PL 1987, c. 402, Pt. A, §181, are repealed and the following enacted in their place:

A. If the tax rate is 6%:

<u>Amount of Sale Price</u>	<u>Amount of Tax</u>
<u>\$0.01 to \$0.09, inclusive</u>	<u>0¢</u>
<u>.10 to .16, inclusive</u>	<u>1¢</u>
<u>.17 to .33, inclusive</u>	<u>2¢</u>
<u>.34 to .50, inclusive</u>	<u>3¢</u>
<u>.51 to .66, inclusive</u>	<u>4¢</u>
<u>.67 to .83, inclusive</u>	<u>5¢</u>
<u>.84 to 1.00, inclusive</u>	<u>6¢</u>

B. If the tax rate is 8%:

<u>Amount of Sale Price</u>	<u>Amount of Tax</u>
<u>\$0.01 to \$0.06, inclusive</u>	<u>0¢</u>
<u>.07 to .12, inclusive</u>	<u>1¢</u>
<u>.13 to .25, inclusive</u>	<u>2¢</u>
<u>.26 to .37, inclusive</u>	<u>3¢</u>
<u>.38 to .50, inclusive</u>	<u>4¢</u>
<u>.51 to .62, inclusive</u>	<u>5¢</u>
<u>.63 to .75, inclusive</u>	<u>6¢</u>
<u>.76 to .87, inclusive</u>	<u>7¢</u>
<u>.88 to 1.00, inclusive</u>	<u>8¢</u>

Sec. L-3. 36 MRSA §1812, sub-§1, ¶C, as repealed and replaced by PL 1989, c. 871, §17, is repealed.

PART M

Sec. M-1. 22 MRSA §3174, 3rd ¶, as enacted by PL 1977, c. 714, §3, is amended to read:

The income factor of eligibility shall-be is met if, after reducing all income received by or available to the applicant by the liabilities for the kinds of goods and services provided for in this section, the residual income does not exceed 133 1/3% of an amount equal to the Aid for Families with Dependent

2 Children payment standards applicable to the applicant in the
 3 case of a family of 2 or more, or does not exceed 100% of an
 4 amount equal to the Aid to Families with Dependent Children
 5 full-need standard for a unit of one in the case of an individual.

6 **Sec. M-2. Appropriation.** The following funds are
 7 appropriated from the General Fund to carry out the purposes of
 8 this Act.

	1991-92	1992-93
10		
12	CORRECTIONS, DEPARTMENT OF	
14	Correctional Services	
16	All Other	\$1,071,677
		\$1,500,000
18	DEPARTMENT OF CORRECTIONS	
	TOTAL	
	<u>\$1,071,677</u>	<u>\$1,500,000</u>
20	EXECUTIVE DEPARTMENT	
22	Office of Substance Abuse	
24	All Other	\$114,000
		\$114,000
26	EXECUTIVE DEPARTMENT	
28	TOTAL	
	<u>\$114,000</u>	<u>\$114,000</u>
30	HUMAN SERVICES, DEPARTMENT OF	
32	Congregate Housing	
34	All Other	\$133,000
		\$53,000
36	Bureau of Elder and	
	Adult Services	
38	All Other	\$320,000
		\$320,000
40	Long-term Care-	
42	Human Services	
44	All Other	\$196,012
		\$199,590
46	Aid to Families with	
	Dependent Children	
48	All Other	\$1,762,028
		\$2,114,434
50		

2	Provides funds to increase the standard of need.		
4	Medical Care -Payments to Providers		
6	All Other	\$790,100	\$1,076,326
8			
10	Welfare Employment, Education and Training		
12	All Other	\$1,433,183	\$1,047,544
14	Maine Health Program		
16	All Other	\$900,000	\$2,395,106
18	Provides funds to increase adult enrollment.		
20			
22	DEPARTMENT OF HUMAN SERVICES TOTAL	<u>\$5,534,323</u>	<u>\$7,206,000</u>
24	MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF		
26			
28	Mental Health Services - Children		
30	All Other	\$180,000	\$180,000
32	DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION		
34	TOTAL	<u>\$180,000</u>	<u>\$180,000</u>
36	TOTAL APPROPRIATIONS	<u>\$6,900,000</u>	<u>\$9,000,000</u>

38 **Sec. M-3. Effective date.** That section of this Act that amends
40 the Maine Revised Statutes, Title 36, section 1811 is effective
42 August 1, 1991.'

44 Further amend the bill by relettering the parts and
renumbering the sections to read consecutively.

46 Further amend the bill by inserting at the end before the
statement of fact the following:

2

FISCAL NOTE

4

This bill would generate an estimated \$6,900,000 in General Fund revenue in fiscal year 1991-92 and \$9,000,000 in fiscal year 1992-93. These funds are appropriated to various departments and agencies as depicted in the appropriation section.'

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STATEMENT OF FACT

12

This amendment raises the sales tax rate to 8%, an increase of 1% above the level included in other legislation. It would raise and appropriate \$15,900,000 in General Fund revenue.

16

Filed by Rep. Mahany of Easton
Reproduced and distributed under the direction of the Clerk of the
House
(6/30/91) (Filing No. H-732)