

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

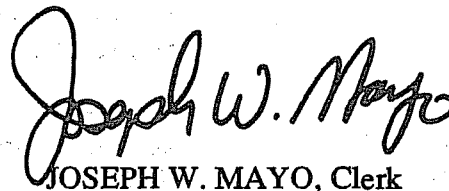
No. 276

H.P. 214

House of Representatives, February 2, 1993

An Act to Repeal Point-of-sale Fees for Future Disposal of Certain Items.

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative KUTASI of Bridgton.

Cosponsored by Representatives: BARTH of Bethel, VIGUE of Winslow, Senator: HANLEY of Oxford.

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

2 **Sec. 1. 36 MRSA §1752, sub-§14, ¶B,** as amended by PL 1989, c.
4 871, §6, is further amended to read:

6 **14. Sale price.** "Sale price" means the total amount of a
8 retail sale valued in money, whether received in money or
otherwise.

10 B. "Sale price" does not include:

12 (1) Discounts allowed and taken on sales;

14 (2) Allowances in cash or by credit made upon the
16 return of merchandise or with respect to fabrication
services pursuant to warranty;

18 (3) The price of property returned or fabrication
20 services rejected by customers, when the full price is
refunded either in cash or by credit;

22 (4) The price received for labor or services used in
24 installing or applying or repairing the property sold
or fabricated, if separately charged or stated;

26 (5) Any amount charged or collected, in lieu of a
28 gratuity or tip, as a specifically stated service
charge, when that amount is to be disbursed by a hotel,
30 motel, restaurant or other eating establishment to its
employees as wages;

32 (6) The amount of any tax imposed by the United States
34 on or with respect to retail sales, whether imposed
upon the retailer or the consumer, except any
36 manufacturers', importers', alcohol or tobacco excise
tax;

38 (7) The cost of transportation from the retailer's
40 place of business or other point from which shipment is
made directly to the purchaser, provided that those
42 charges are separately stated and the transportation
occurs by means of common carrier, contract carrier or
44 the United States mail;

46 (8) The fee imposed by Title 10, section 1169,
subsection 11; or

48 ~~(9) --The fee imposed by section 4832, subsection 1; or~~

(10) The lead-acid battery deposit imposed by Title 38, section 1604, subsection 2-B.

Sec. 2. 36 MRSA c. 719, as amended, is repealed.

Sec. 3. 38 MRSA §2201, first ¶, as repealed and replaced by PL 1991, c. 824, Pt. A, §88, is amended to read:

The Maine Solid Waste Management Fund, referred to in this section as the "fund," is established as a nonlapsing fund to support programs administered by the Maine Waste Management Agency and the Department of Environmental Protection. The fund must be segregated into 2 subsidiary accounts. The first subsidiary account, called operations, receives all fees established and received under article 1. The 2nd subsidiary account, called administration, receives all fees established under this article and under Title 36, chapter 719, all funds recovered by the department as reimbursement for departmental expenses incurred to abate imminent threats to public health, safety and welfare posed by the illegal disposal of solid waste and all unclaimed deposits returned to the State under Title 32, chapter 28.

Sec. 4. 38 MRSA §2201, 3rd ¶, as amended by PL 1991, c. 591, Pt. R, §13 and as repealed and replaced by c. 824, Pt. A, §88, is repealed and the following enacted in its place:

Funds related to administration may only be expended in accordance with allocations approved by the Legislature for administrative expenses directly related to the agency's and the department's programs, including actions by the department necessary to abate imminent threats to public health, safety and welfare posed by the illegal disposal of solid waste. Funds related to operations may only be expended in accordance with allocations approved by the Legislature and solely for the development and operation of publicly owned facilities owned or approved by the agency and for the repayment of any obligations of the agency incurred under article 3. These allocations must be based on estimates of the actual costs necessary for the agency and the department to administer their programs, to provide financial assistance to regional associations and to provide other financial assistance necessary to accomplish the purposes of this chapter. Beginning in the fiscal year ending on June 30, 1991 and thereafter, the fund must annually transfer to the General Fund an amount necessary to reimburse the costs of the Bureau of Taxation incurred in the administration of Title 36, section 5219-D and an amount equal to the General Fund revenues lost as the result of Title 36, sections 2526 and 5219-D. Beginning in the fiscal year ending on June 30, 1992 and thereafter, the fund must transfer to the General Fund an amount

equal to the administrative expenses and reimbursement costs
directly related to the administration of Title 32, section 1866,
subsection 7 and Title 32, section 1866-A by the Treasurer of
State. Allowable expenditures include "Personal Services," "All
Other" and "Capital Expenditures" associated with all agency
activities other than those included in the operations account.

STATEMENT OF FACT

This bill repeals recycling assistance fees imposed at the
point of sale on tires, lead-acid batteries, clothes washers,
clothes dryers, dishwashers, freezers, microwave ovens, ovens,
refrigerators, stoves, window air conditioners, major furniture
items, bathtubs and mattresses. Currently, these recycling
assistance fees accrue to the Maine Waste Management Fund.
Existing law abolishes the Maine Waste Management Fund on July 1,
1993, and provides that all fees, interest or other revenue
previously going into that fund accrue to the General Fund.

This bill also corrects a technical conflict created when 2
chapters enacted in 1991 affected the same section.