

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1346

H.P. 1000

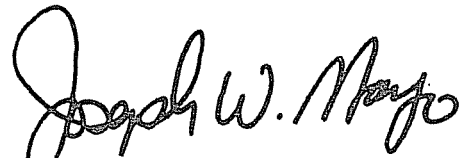
House of Representatives, April 28, 1993

An Act to Encourage the Use of User Fees Regarding Municipal Solid Waste Disposal.

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Taxation suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative BOWERS of Washington.
Cosponsored by Representatives: ADAMS of Portland, FITZPATRICK of Durham, GRAY of Sedgwick, LEMKE of Westbrook, PARADIS of Augusta, SKOGLUND of St. George, TRACY of Rome, Senators: CAREY of Kennebec, CIANCHETTE of Somerset, PARADIS of Aroostook, PINGREE of Knox.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, towns throughout the State are establishing plans to encourage recycling; and

Whereas, many of these municipal recycling plans include the mandatory purchase of special garbage bags; and

Whereas, many of these municipal recycling plans will take effect before the end of this 90-day period; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 36 MRSA §1752, sub-§25 is enacted to read:

25. Solid waste use fee. "Solid waste use fee" means any fee charged for solid waste disposal by a municipality or its agent including the mandatory purchase of special garbage bags.

Sec. 2. 36 MRSA §1760, sub-§77 is enacted to read:

77. Solid waste use fee. Solid waste use fees charged to a business or individual by a municipality or its agent that are designed to encourage recycling. Mandatory purchase of special garbage bags are considered use fees.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

STATEMENT OF FACT

This bill exempts use fees and the sale of required garbage bags from sales tax when those sales are part of a municipal recycling plan.