

MAINE STATE LEGISLATURE

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R 9 8

minority

L.D. 203

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DATE: May 25, 1995 (Filing No. S-191)

TAXATION

Reported by: The Minority of the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " B " to S.P. 84, L.D. 203, Bill, "An Act to Repeal Point-of-sale Fees for Future Disposal of Certain Items"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 32 MRSA §1863-B, as enacted by PL 1991, c. 819, §3, is repealed.

Sec. 2. 32 MRSA §1866, sub-§7, as amended by PL 1991, c. 819, §9, is repealed.

Sec. 3. 32 MRSA §1866-A, as amended by PL 1991, c. 819, §§10 and 11, is repealed.

Sec. 4. 32 MRSA §1869, sub-§3, as amended by PL 1991, c. 591, Pt. R, §5, is repealed.

Sec. 5. 32 MRSA §1871, 2nd ¶, as enacted by PL 1991, c. 591, Pt. R, §6, is repealed.

Sec. 6. 36 MRSA §4831, sub-§§2-A and 2-B, as enacted by PL 1989, c. 927, §3, are repealed.

Sec. 7. 36 MRSA §4832, sub-§1, as amended by PL 1989, c. 927, §5, is further amended to read:

1. Imposition. A fee is imposed on the retail sale in this State of new tires, and new lead-acid batteries, ~~--new--major appliances,--new--major--furniture--items,--new--bathtubs--and--new mattresses.~~ The fee is in the amount of \$1 per tire or lead-acid battery ~~and--\$5--for--major--appliances,--major--furniture--items,~~

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2 ~~bathtubs-and-mattresses.~~ Additionally, fees in the same amounts
3 ~~amount~~ are imposed on the storage, use or other consumption in
4 this State of tires, and lead-acid batteries, ~~major-appliances,~~
5 ~~major-furniture-items,~~ ~~bathtubs-and-mattresses~~ purchased new in
6 this State by the user or purchased out of State by the user
unless either of the fees imposed by this section has been paid.

8 **Sec. 8. 38 MRSA §2201, 3rd ¶,** as repealed and replaced by PL
1993, c. 410, Pt. C, §8, is amended to read:

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12 Funds related to administration may only be expended in
13 accordance with allocations approved by the Legislature for
14 administrative expenses directly related to the agency's and the
15 department's programs, including actions by the department
16 necessary to abate imminent threats to public health, safety and
17 welfare posed by the illegal disposal of solid waste. Funds
18 related to operations may only be expended in accordance with
19 allocations approved by the Legislature and solely for the
20 development and operation of publicly owned facilities owned or
21 approved by the agency and for the repayment of any obligations
22 of the agency incurred under article 3. These allocations must
23 be based on estimates of the actual costs necessary for the
24 agency and the department to administer their programs, to
25 provide financial assistance to regional associations and to
26 provide other financial assistance necessary to accomplish the
27 purposes of this chapter. Beginning in the fiscal year ending on
28 June 30, 1991 and thereafter, the fund must annually transfer to
29 the General Fund an amount necessary to reimburse the costs of
30 the Bureau of Taxation incurred in the administration of Title
31 36, section 5219-D and Title 36, chapter 719 and an amount equal
32 to the General Fund revenues lost as the result of Title 36,
33 ~~sections 2526 and 5219-D. Beginning in the fiscal year ending~~
34 ~~June 30, 1994 and thereafter, the fund must support allocations~~
35 ~~approved by the Legislature for administrative expenses and~~
36 ~~reimbursement costs directly related to the administration of~~
37 ~~Title 32, section 1866, subsection 7 and Title 32, section 1866-A~~
38 ~~by the Treasurer of State.~~ Allowable expenditures include
39 "Personal Services," "All Other" and "Capital Expenditures"
40 associated with all agency activities other than those included
in the operations account.

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Sec. 9. Reports and reimbursements.

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1. Notwithstanding the repeal of the Maine Revised
Statutes, Title 32, section 1866-A, subsection 1, each deposit
initiator shall submit a final report on or before March 20, 1996.

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2. Notwithstanding the repeal of the Maine Revised
Statutes, Title 32, section 1866-A, subsection 2, each deposit
initiator shall submit a final payment to the Treasurer of State

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2 on or before March 20, 1996 in an amount equal to 50% of the
unclaimed minimum deposits held by the deposit initiator for the
3-month period ending December 31, 1995.

4
6 3. The Treasurer of State shall reimburse to a deposit
initiator an amount equal to any documented claims of
over-redeemed minimum deposits during the course of the previous
8 calendar year.

10 4. The Treasurer of State shall reimburse to a deposit
initiator an amount equal to any documented claims of
12 over-redemption of minimum deposits as reported on or before
March 20, 1996.

14 **Sec. 10. Effective date.** Sections 1 to 5 and 8 and 9 of this
16 Act take effect January 1, 1996. Sections 6 and 7 of this Act
take effect October 1, 1995.'

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

22 **FISCAL NOTE**

	1995-96	1996-97
REVENUES		
Other Funds	(\$1,434,000)	(\$2,110,000)

26
28 Repealing certain recycling assistance fees as of October 1,
32 1995 will reduce dedicated revenue to the Maine Waste Management
Fund. The estimated reductions of dedicated revenue are
34 \$1,434,000 and \$2,110,000 in fiscal years 1995-96 and 1996-97,
respectively.

36 The Governor's proposed current services budget includes
38 changes which may affect this bill's impact on the Maine Waste
Management Agency, the Department of Environmental Protection,
40 the Office of the Treasurer of State, the State Planning Office,
the Department of Economic and Community Development, the Bureau
42 of Taxation and General Fund undedicated revenue. This estimate
of the fiscal impact may need to be adjusted based on final
44 legislative actions on the current services budget.'

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STATEMENT OF FACT

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This amendment, which is the minority report, strikes everything in the bill and replaces it with elimination of unclaimed beverage container deposits effective January 1, 1996. All advance waste disposal fees, except those on tires and batteries, are repealed effective October 1, 1995.