MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 203

S.P. 84

In Senate, January 24, 1995

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

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

MAY M. ROSS

Secretary of the Senate

Presented by Senator HATHAWAY of York. Cosponsored by Representative: JOYCE of Biddeford.

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

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Sec. 1. 32 MRSA §1866-A, sub-§2, as amended by PL 1991, c. 819, §11, is further amended to read:

Unclaimed deposits. Except for initiators of deposit under section 1863-A, subsection 1, each deposit initiator shall pay to the Treasurer of State on or before the 20th day of March, June, September and December an amount equal to 50% of the unclaimed minimum deposits held by the deposit initiator. remaining unclaimed minimum deposits, any other unclaimed deposits and any income earned on deposits become the property of the distributor on the day payment is made to the Treasurer of Deposit initiators under section 1863-A, subsection 1 shall retain all unclaimed deposits. Funds received by the Treasurer of State under this subsection become the property of the State and must be deposited in the Maine--Selid--Waste Management -- Fund -- established -- in - Title -- 38, -- section -- 2201 General Fund.

Sec. 2. 32 MRSA §1866-A, sub-§3, as enacted by PL 1991, c. 591, Pt. R, §4 and affected by §18, is amended to read:

3. Over-redemption of beverage container deposits. When a deposit initiator pays out more in refund values than it collects in deposits during the course of a calendar year, the deposit initiator may apply to the Treasurer of State for a reimbursement from the Maine-Solid-Waste-Management General Fund equal to the amount of over-redeemed minimum deposits. The Treasurer of State shall reimburse documented claims of over-redeemed minimum deposits.

Sec. 3. 36 MRSA §177, sub-§1, as amended by PL 1991, c. 546, §1, is further amended to read:

1. Generally. All sales and use taxes collected by any person pursuant to Part 3, all taxes collected by any person under color of Part 3 which that have not been properly returned or credited to the persons from whom they were collected, all taxes collected by any person pursuant to chapter 451 or 459, all fees-eelleeted-pursuant-te-chapter-719 and all taxes collected by any person pursuant to chapter 827 constitute a special fund in trust for the State Tax Assessor. The liability for the taxes or fees and any interest or penalty on taxes or fees is enforceable by assessment and collection, in the manner prescribed in this Part, against the person and against any officer, director, member, agent or employee of that person who, in that capacity, is responsible for the control or management of the funds or finances of that person or is responsible for the payment of that person's taxes.

2	Sec. 4. 36 MRSA §1752, sub-§14, ¶B, as amended by PL 1989, c.
4	871, §6, is further amended to read:
	B. "Sale price" does not include:
6	(1) Discounts allowed and taken on sales;
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10	(2) Allowances in cash or by credit made upon the return of merchandise or with respect to fabrication
	services pursuant to warranty;
12	(3) The price of property returned or fabrication
14	services rejected by customers, when the full price is refunded either in cash or by credit;
16	retunded etcher in cash of by create,
18	(4) The price received for labor or services used in installing er, applying or repairing the property sold
10	or fabricated, if separately charged or stated;
20	(5) Any amount charged or collected, in lieu of a
22	gratuity or tip, as a specifically stated service
24	charge, when that amount is to be disbursed by a hotel, motel, restaurant or other eating establishment to its
2.6	employees as wages;
26	(6) The amount of any tax imposed by the United States
28	on or with respect to retail sales, whether imposed upon the retailer or the consumer, except any
30	manufacturers', importers', alcohol or tobacco excise tax;
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34	(7) The cost of transportation from the retailer's place of business or other point from which shipment is made directly to the purchaser, provided that those
36	charges are separately stated and the transportation
38	occurs by means of common carrier, contract carrier or the United States mail;
40	(8) The fee imposed by Title 10, section 1169, subsection 11; or
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44	(9)The-fee-impesed-by-section-4832,-subsection-l,-er
46	(10) The lead-acid battery deposit imposed by Title 38, section 1604, subsection 2-B.

Sec. 5. 36 MRSA c. 719, as amended, is repealed.

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2	Sec. 6. 38 MRSA $\S1316$ -C, last \P , as enacted by PL 1991, c. 517, Pt. A, $\S2$, is amended to read:
4	Funds recovered under this section must be deposited into the Maine-Selid-Waste-Management General Fund.
6	C. 7 20 MIDGA 92201
8	Sec. 7. 38 MRSA §2201, as amended by PL 1993, c. 410, Pt. C, §8, is repealed.
10	Sec. 8. 38 MRSA §2202, sub-§1, as enacted by PL 1989, c. 585, Pt. A, §7, is amended to read:
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	1. Fees established. The agency shall establish procedures
14	to charge fees specified in this article and pursuant to the requirements of this article. All fees collected by the agency
16	shall must be deposited into the Maine-Solid-Waste-Management
	General Fund.
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	Sec. 9. Transfer of funds. Any funds remaining in the Maine
20	Solid Waste Management Fund on the effective date of this Act
22	must be transferred to the Treasurer of State for credit to the
44	General Fund.
24	STATEMENT OF FACT
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	This bill repeals recycling assistance fees imposed at the
28	point of sale on tires; lead-acid batteries; major appliances
	such as clothes washers, clothes dryers, dishwashers, freezers,
30	microwave ovens, ovens, refrigerators, stoves and window air
32	conditioners; major furniture items; bathtubs; and mattresses. Currently, these recycling assistance fees accrue to the Maine

other revenue previously going into that fund accrue to the 36 General Fund.

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Solid Waste Management Fund. This bill abolishes the Maine Solid

Waste Management Fund and provides that all fees, interest or