

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 526

H.P. 402

House of Representatives, February 1, 2005

An Act To Phase Out the Recycling Assistance Fee

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative McKENNEY of Cumberland.

Cosponsored by Senator NASS of York and

Representatives: ANNIS of Dover-Foxcroft, CARR of Lincoln, COLLINS of Wells, DAIGLE of Arundel, FISHER of Brewer, JOY of Crystal, Senator: TURNER of Cumberland.

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

2
4 **Sec. 1. 36 MRSA §1752, sub-§14, ¶B**, as amended by PL 2003, c.
673, Pt. V, §16 and affected by §29, is further amended to read:

6 B. "Sale price" does not include:

8 (1) Discounts allowed and taken on sales;

10 (2) Allowances in cash or by credit made upon the
12 return of merchandise pursuant to warranty;

14 (3) The price of property returned by customers, when
the full price is refunded either in cash or by credit;

16 (4) The price received for labor or services used in
18 installing or applying or repairing the property sold,
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
charge, when that amount is to be disbursed by a hotel,
24 motel, restaurant or other eating establishment to its
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;

32 (7) The cost of transportation from the retailer's
34 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
occurs by means of common carrier, contract carrier or
the United States mail;

38 (8) The fee imposed by Title 10, section 1169,
40 subsection 11;

42 (9) The ~~fee fees~~ imposed by section 4832, ~~subsectien~~
44 subsections 1 and 1-B; or

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

48 **Sec. 2. 36 MRSA 4832, sub-§1**, as amended by PL 2003, c. 390,
§23, is further amended to read:

2 **1. Batteries.** A fee is imposed on the retail sale in this
4 State of ~~new-tires-and~~ new lead-acid batteries in the amount of
6 \$1 per ~~tire-or~~ lead-acid battery. A fee in the same amount is
8 imposed on the storage, use or other consumption in this State of
~~tires-and~~ lead-acid batteries purchased new in this State by the
user or purchased outside the State by the user unless the fee
imposed by this section has been paid.

10 **Sec. 3. 36 MRSA §4832, sub-§1-B** is enacted to read:

12 **1-B Tires.** A fee in the amount identified in this
14 subsection is imposed on the retail sale in this State of new
16 tires. A fee in the same amount is imposed on the storage, use
18 or other consumption in this State of tires purchased new in this
20 State by the user or purchased outside the State by the user
22 unless the fee imposed by this section has been paid.

- 24 A. In 2005 and 2006, a fee in the amount of \$1 per tire is
26 imposed.
- 28 B. In 2007, a fee in the amount of 75¢ per tire is imposed.
- 30 C. In 2008, a fee in the amount of 50¢ per tire is imposed.
- 32 D. In 2009, a fee in the amount of 25¢ per tire is imposed.

34 **Sec. 4. 36 MRSA §4832, sub-§2**, as amended by PL 1991, c. 546,
36 §31, is further amended to read:

38 **2. Exemption.** Transactions that, under the laws of this
40 State, are not subject to taxation in accordance with Part 3 are
42 exempt from the ~~fee fees~~ imposed by ~~subsection subsections~~ 1 and
44 1-B. Sales of any items that occur as part of a sale of a
trailer, a mobile home or any motorized vehicle are exempt from
the ~~fee fees~~ imposed by ~~subsection subsections~~ 1 and 1-B.

46 **Sec. 5. 36 MRSA §4832, sub-§3** is enacted to read:

3. Repeal. Subsection 1-B is repealed January 1, 2010.

SUMMARY

 Currently, a fee is imposed on the retail sale of new tires
in the amount of \$1 per tire. This bill phases out that fee and
repeals the fee beginning January 1, 2010.