

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1722

H.P. 1232

House of Representatives, January 13, 2014

**An Act To Exempt from Sales and Use Tax Sales of Publications To
Be Distributed without Charge and Printed Materials Included in
Publications**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Taxation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BERRY of Bowdoinham.
Cosponsored by Senator MASON of Androscoggin and
Representatives: CHENETTE of Saco, DAUGHTRY of Brunswick, DICKERSON of
Rockland, EVANGELOS of Friendship, KRUGER of Thomaston, MORIARTY of
Cumberland, NADEAU of Winslow, TIMBERLAKE of Turner, WELSH of Rockport,
WERTS of Auburn, Senators: MAZUREK of Knox, WOODBURY of Cumberland.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the repeal of the sales and use tax exemption for sales of publications
4 applies to sales occurring on or after October 1, 2013; and

5 **Whereas,** exempting from sales and use tax sales of printed paper materials
6 subsequently distributed as free publications serves the public interest; and

7 **Whereas,** exempting from sales and use tax sales of printed paper materials
8 included as inserts to publications, such as advertising or promotional materials, serves
9 the public interest; and

10 **Whereas,** legislative action is immediately necessary to ensure efficient
11 administration of the sales and use tax; and

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

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

17 **Sec. 1. 36 MRSA §1760, sub-§14-A** is enacted to read:

18 **14-A. Free publications and components of publications.** Sales of publications
19 and printed materials included in publications as follows:

20 A. Any publication that is purchased for distribution without charge as a free
21 publication; and

22 B. Printed paper materials, including advertising flyers and promotional materials,
23 purchased for inclusion in a publication.

24 For purposes of this subsection, "publication" means printed paper material, including
25 without limitation newspapers, magazines and trade journals and employee, client and
26 organization newsletters, issued at average intervals not exceeding 3 months that
27 manifests a continuity of identity from issue to issue by a front page masthead bearing the
28 name, date, volume and issue number of the publication and by a continuity of style,
29 format, themes and subject matter. For purposes of this subsection, "publication" does not
30 include printed paper materials consisting primarily of advertisements or the promotion
31 of a single seller's products or services.

32 **Sec. 2. Retroactivity.** This Act applies to sales occurring on and after October 1,
33 2013.

34 **Emergency clause.** In view of the emergency cited in the preamble, this
35 legislation takes effect when approved.

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SUMMARY

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This bill enacts a sales and use tax exemption for certain printed free publications and

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for printed materials purchased for inclusion in a publication.