



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 590

S.P. 206

In Senate, March 3, 2015

**An Act To Exempt a Fee for a Paper or Plastic Single-use Carry-out
Bag from Tax**

(EMERGENCY)

Reference to the Committee on Taxation suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Representative CAMPBELL of Orrington and
Senators: BAKER of Sagadahoc, DIAMOND of Cumberland, McCORMICK of Kennebec,
VOLK of Cumberland, Representative: SEAVEY of Kennebunkport.

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,** paper and plastic single-use carry-out bags are not an inventoried item
4 and are not for sale in a retail establishment; and

5 **Whereas,** a municipality in Maine will begin imposing a fee on paper and plastic
6 single-use carry-out bags on April 1, 2015; and

7 **Whereas,** the imposition of the sales tax on these bags is burdensome; and

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

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

13 **Sec. 1. 36 MRSA §1752, sub-§14, ¶B,** as amended by PL 2011, c. 211, §22, is
14 further amended to read:

15 B. "Sale price" does not include:

16 (1) Discounts allowed and taken on sales;

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

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

21 (4) The price received for labor or services used in installing or applying or
22 repairing the property sold, if separately charged or stated;

23 (5) Any amount charged or collected, in lieu of a gratuity or tip, as a specifically
24 stated service charge, when that amount is to be disbursed by a hotel, restaurant
25 or other eating establishment to its employees as wages;

26 (6) The amount of any tax imposed by the United States on or with respect to
27 retail sales, whether imposed upon the retailer or the consumer, except any
28 manufacturers', importers', alcohol or tobacco excise tax;

29 (7) The cost of transportation from the retailer's place of business or other point
30 from which shipment is made directly to the purchaser, provided that those
31 charges are separately stated and the transportation occurs by means of common
32 carrier, contract carrier or the United States mail;

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

34 (9) The fee imposed by section 4832, subsection 1;

35 (10) The lead-acid battery deposit imposed by Title 38, section 1604, subsection
36 2-B;

1 (11) Any amount charged or collected by a person engaged in the rental of living
2 quarters as a forfeited room deposit or cancellation fee if the prospective
3 occupant of the living quarters cancels the reservation on or before the scheduled
4 date of arrival;

5 (12) The premium imposed on motor vehicle oil by Title 10, section 1020,
6 subsection 6-A; ~~or~~

7 (13) Any amount charged for the disposal of used tires; or

8 (14) Any amount charged for a paper or plastic single-use carry-out bag.

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

11 **SUMMARY**

12 This bill exempts from sales tax any fee placed on a paper or plastic single-use carry-
13 out bag.