

essing, assembling or refining if it is changed in nature by reason of its use in a relatively short period of time, as the nature of coal is changed by burning, as refractories which come in direct contact with molten metals are changed by heat and abrasion, as grinding wheels are reduced to dust, as acids are changed by contamination, and so forth. Property which is broken or mutilated shall not be considered to be destroyed. Tangible personal property shall not be considered to be destroyed in such operations if its value as property is ordinarily dissipated through the gradual wear or tear incident to its use. Machinery and small tools shall not be considered to be destroyed in such operations. The terms "manufacturing," "assembling," "processing," and "refining" shall not include (A) maintaining, servicing, or repairing; (B) testing finished products; or (C) [r]esearch and development; or (D) ] providing for the comfort or health of employees. For the purpose of the tax imposed by the subtitle, the term "sale at retail" shall include but shall not be limited to the following:

(4) The sale of natural or artificial gas, oil, electricity, coal or steam, *the nonsalvageable portion of nuclear fuel assemblies*, when made to any purchaser for purposes other than resale or for use in manufacturing, assembling, processing or refining.

(F) (4) THE SALE OF NATURAL OR ARTIFICIAL GAS, OIL, ELECTRICITY, COAL, NUCLEAR FUEL ASSEMBLIES, OR STEAM, WHEN MADE TO ANY PURCHASER FOR PURPOSES OTHER THAN RESALE OR FOR USE IN MANUFACTURING, ASSEMBLING, PROCESSING, REFINING, OR IN THE GENERATION OF ELECTRICITY.

SEC. 2. *And be it further enacted*, That this Act shall take effect July 1, 1969.

Approved May 2, 1969.

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#### CHAPTER 424

(Senate Bill 226)

AN ACT to repeal and re-enact, with amendments, Section 326 (e) of Article 81 of the Annotated Code of Maryland (1965 Replacement Volume), title "Revenue and Taxes," subtitle "Retail Sales Tax Act," to repeal the exemption on casual sales under certain conditions.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Section 326 (e) of Article 81 of the Annotated Code of Maryland (1965 Replacement Volume), title "Revenue and Taxes," subtitle "Retail Sales Tax Act," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

#### 326.

The tax hereby levied shall not apply to the following sales:

(e) Casual and isolated sales by a vendor who is not regularly engaged in the business of selling tangible personal property [and the use of an auctioneer shall not make a sale taxable which other-