

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

*Taxation: Act To Tax Current Year Cars Done @  
36 M.R.S.A. 1482-1-C*

JOSEPH E. BRENNAN  
ATTORNEY GENERAL



RICHARD S. COHEN  
JOHN M. R. PATERSON  
DONALD G. ALEXANDER  
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

January 12, 1978

Honorable Lawrence P. Greenlaw, Jr.  
House of Representatives  
State House  
Augusta, Maine 04333

Dear Representative Greenlaw:

This responds to your request for advice regarding an interpretation of 36 M.R.S.A. § 1482(1)(c).

QUESTION:

A 1977 model automobile is purchased in calendar year 1977. At the time of purchase, the 1978 model of that automobile was available for sale.

Is the 1977 model automobile in its "first or current year of model" for purposes of payment of the excise tax imposed by 36 M.R.S.A. § 1482(1)(c)?

ANSWER:

Yes. During the calendar year 1977, the 1977 model automobile is in its first year of model even though the 1978 model of that automobile was available for sale.

REASONING:

The applicable statute, 36 M.R.S.A. § 1482(1)(c), states in pertinent part:

"An excise tax shall be levied annually with respect to each calendar year in the following cases:

"For the privilege of operating a motor vehicle upon the public ways, each motor vehicle, other than a stock race car, to be so operated shall be subject to such excise tax as follows:

A sum equal to 24 mills on each dollar of the maker's list price for the first or current year of model, 17 1/2 mills for the 2nd year . . . .  
The maximum tax on or after the 7th year of model for an automobile . . . shall be \$15."  
[emphasis added]

The terms "first or current year of model" was in all probability intended to recognize the practice of most automobile manufacturers of introducing an automobile with a model year designation for the next succeeding calendar year. In analyzing 36 M.R.S.A. § 1482, I interpret the phrase "current year of model" to refer to a model whose year designation is identical to the current calendar year in which the motor vehicle is excised. For example, a 1978 automobile introduced on the market in 1977 is not in its current year of model in 1977 but is in its current year of model during calendar year 1978. Ordinarily, when one describes a "first year of model", one is describing a 12 month period, however, because of the trade practice of automobile manufacturers 1978 models are introduced in 1977 and the "first year of model" will extend from the time when the vehicle was introduced in 1977 through the calendar year 1978.

The statute imposing an excise tax for the privilege of operating a motor vehicle contemplates that the maximum mill rate of 24 mills can be imposed on the maker's list price during a period in excess of twelve months. This fact is recognized by 36 M.R.S.A. § 1482 sub-§ 3.

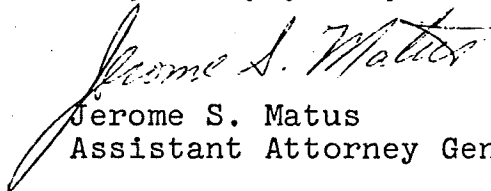
"Tax paid for previous calendar or registration year. Whenever an excise tax has been paid for the previous calendar year or registration year by the same person on the same vehicle, the excise tax for the new calendar year or registration year shall be assessed as if the vehicle was in its next year of model."

This relief for taxes paid in previous calendar or registration years only applies to excise taxes paid by the same person on the same vehicle. It must follow that excise taxes paid in a previous calendar or registration year by a different person on the same vehicle does not entitle the new excise taxpayer to the benefits of this subsection, the new excise taxpayer would have to be assessed as if the vehicle was in its designated year of model. Thus, a 1978 automobile purchased in 1977 and on which an excise tax was paid in 1977 would, in the hands of the original purchaser of the automobile, be excised during 1978 at the 17 1/2 mill rate for a second year of model, while a new owner of the automobile purchased from the original owner during 1978 would have to pay during 1978 the 24 mill "first or current year rate".

The use of model years that are co-terminous with calendar years recognizes the practical problems that would be faced by municipal excise tax collectors if different dates for changes of years of model must be maintained for every model put on the market by automobile manufactureres.

While one might argue with the equity of the situation, the result has been established by statute.

Very truly yours,

A handwritten signature in cursive script that reads "Jerome S. Matus". The signature is written in dark ink and is positioned above the typed name and title.

Jerome S. Matus  
Assistant Attorney General

JSM:spa