

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2180

H.P. 1573

House of Representatives, January 10, 1990

Reported by Representative CASHMAN for the Joint Standing Committee on Taxation pursuant to the Maine Revised Statutes, Title 36, section 199.

Reference to the Joint Standing Committee on Taxation suggested and printing ordered under Joint Rule 18.

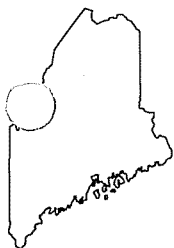
A handwritten signature in cursive script that reads 'Ed Pert'.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Amend Certain Sales Tax Exemptions.



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

2
3 Sec. 1. 36 MRSA §1752, sub-§1-D, as enacted by PL 1987, c.
4 497, §15, is amended to read:

6 1-D. Casual sale. "Casual sale" means an isolated
7 transaction in which tangible personal property or a taxable
8 service is sold other than in the ordinary course of repeated and
9 successive transactions of like character by the person making
10 the sale. "Casual sales" include transactions by a civic,
11 religious or fraternal organization which is not a registered
12 retailer at a bazaar, fair, rummage sale, picnic or similar
13 event, ~~but, if any such organization makes such transactions~~
14 ~~during more than 8 days during a calendar year, all such~~
15 ~~transactions during the calendar year constitute retail sales.~~
16 The sale by a registered retailer of tangible personal property
17 which that retailer has used in the course of his the retailer's
18 business is not a "casual sale" if that property is of like
19 character to that sold in the ordinary course of repeated and
20 successive transactions. "Casual sale" does not include any
21 transaction in which tangible personal property is sold by a
22 representative for the owner's account when that representative
23 is a registered retailer and the registered retailer shall have
24 the same duties respecting any such transaction as if he the
25 representative had sold on his the representative's own account.
26

27 Sec. 2. 36 MRSA §1752, sub-§17-A, ¶B, as enacted by PL 1987,
28 c. 497, §25, is amended to read:

29 B. Rental Rentals, for a period of less than one year, ~~of~~
30 ~~an automobile;~~
31

32 Sec. 3. 36 MRSA §1752, sub-§23, as enacted by PL 1989, c. 533,
33 §§4 and 14 and c. 588, Pt. C, §2, is repealed and the following
34 enacted in its place:

35 23. Video tapes and video equipment. "Video tapes" means
36 prerecorded magnetic tapes used for noncommercial playback of
37 images and sound on video equipment. "Video equipment" means
38 equipment used to play back video tapes and equipment used for
39 recording images and sound for subsequent noncommercial playback.
40
41

42 Sec. 4. 36 MRSA §1752, sub-§24 is enacted to read:

43 24. Watercraft. "Watercraft" means a watercraft which is
44 subject to excise tax under chapter 112, excluding commercial
45 vessels as defined in that chapter.
46

47 Sec. 5. 36 MRSA §1760, sub-§3, ¶D, as repealed and replaced by
48 PL 1985, c. 819, Pt. A, §§40 and 41, is amended to read:
49
50

2 D. Those made from a retail location from which food
ordinarily is sold for consumption without further
4 preparation or storage, ~~even though the products are~~
~~packaged or wrapped in bulk quantities;~~ and

6 Sec. 6. 36 MRSA §1760, sub-§7, as amended by PL 1985, c. 460,
§§1 and 2, is repealed and the following enacted in its place:
8

10 7. Products used in agricultural production. Sales of
products used in agricultural production when sold to the holder
of an exemption certificate card issued by the State Tax Assessor.
12

14 Sec. 7. 36 MRSA §1760, sub-§7-A is enacted to read:

16 7-A. Sales of seed, feed and bait. Sales of seed and feed
and sales of bait to those who fish commercially.

18 Sec. 8. 36 MRSA §1760, sub-§9, as amended by PL 1977, c. 686,
§1, is further amended to read:
20

22 9. Coal, oil and wood. Coal, oil, wood and all other fuels,
except gas and electricity, when bought for cooking and heating
in homes, mobile homes, ~~hotels~~ and apartment houses, and other
buildings designed both for human habitation and sleeping, with
the exception of hotels and motels.
26

28 Sec. 9. 36 MRSA §2013, sub-§3, as amended by PL 1985, c. 411,
§2, is further amended to read:

30 3. Exemption for large purchase after certification. No
sales tax may be is not paid on the purchase of a single
item of machinery or equipment with a sales price in excess of
\$1,000, certain items if the purchaser has the certification of
the State Tax Assessor that he the purchaser is engaged in
commercial agricultural production or commercial fishing, and
that he the purchaser may purchase depreciable machinery and
equipment certain products without paying Maine sales tax. The
seller is required to obtain a copy of the certificate together
with an affidavit as prescribed by the State Tax Assessor, to be
maintained in the seller's records, attesting to the
qualification of the purchase for exemption pursuant to this
section. In order to qualify for this exemption, the depreciable
machinery or equipment item must be suited only for use used
directly in commercial agricultural production or commercial
fishing.
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STATEMENT OF FACT

4

6 This bill implements the recommendations of the Joint
Standing Committee on Taxation regarding the review of sales tax
8 exemptions pursuant to the Maine Revised Statutes, Title 36,
sections 195 to 199.

10