

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

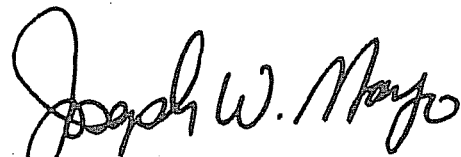
No. 1512

H.P. 1117

House of Representatives, May 14, 1993

An Act to Authorize Optional County Sales Taxes on Certain Sales.

Reference to the Committee on Taxation suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative HOGLUND of Portland.

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

4 Sec. 1. 36 MRSA Pt. 3-A is enacted to read:

6 PART 3-A

8 COUNTY TAX

10 CHAPTER 253

12 COUNTY LEVIED TAX

14 §2301. County levied tax option

16 1. County levied tax option authorized. A county levied tax option is authorized to:

18 A. Alleviate the problem of financing municipal services caused by the burden on municipal property tax; and

20 B. Stabilize the municipal property tax burden and aid in financing municipal services by broadening the municipal tax base and taking advantage of regional resources.

24 2. Vote required. A county levied tax option must be adopted by election as provided in this chapter.

28 3. Amount of tax. A county levied tax option adopted under this chapter is an additional 1% on the value of all sales of tangible personal property and taxable services that are taxed by the State at the rate of 7%.

32 4. Application. For the purposes of this chapter, the municipal assessors of a plantation are considered municipal officers of the plantation and the county commissioners are considered the municipal officers for the unorganized territory within their respective counties.

38 §2302. County levied tax option election

40 1. Petition by voters or municipal officers. A county levied tax option election may be called by the filing of a petition by the voters of a county or the municipal officers of municipalities in the county as follows.

46 A. The voters in a county may petition the county commissioners for a county levied tax election. A petition for a county levied tax election must be signed by a number of voters equal to at least 10% of the number of votes cast in that county in the last gubernatorial election. All petition signatures must have been signed within the previous 2 years. The petition must be addressed to the

2 county commissioners and delivered to them at least 42 days
3 before holding a primary, special statewide, general or
4 county election.

5 B. The municipal officers in municipalities that have a
6 combined population of 60% of the county's population as
7 determined by the most recent Federal Decennial Census may
8 petition the county commissioners for a county levied tax
9 option election. A majority of the municipal officers in a
10 municipality must sign a petition before that municipality's
11 population may be included. The municipal officers in the
12 county may sign a single petition or each municipality may
13 submit its own petition, as long as all petition signatures
14 have been signed within the previous 2 years. The petition
15 must be addressed to the county commissioners and delivered
16 to them at least 42 days before holding a primary, special
17 statewide, general or county election.

18 2. Meeting. Upon receipt of a petition, the county
19 commissioners shall notify the municipal officers in each
20 municipality within the county and require them to notify the
21 inhabitants of their respective municipalities to meet in the
22 manner prescribed by law to vote on the county levied tax
23 question. The county commissioners shall state the time for
24 opening and closing the polls, which must be the same in each
25 municipality, and set the date for the election, which must be at
26 the next regularly scheduled primary, special statewide, general
27 or county election. The county commissioners shall prepare the
28 election material and all ballots for the election and provide
29 them to each municipal clerk.

30 3. Referendum question. The election must be held to vote
31 on the following question.

32 "Do you favor an increase in the state sales and use tax on
33 certain meals, lodging, liquor and automobile rentals in this
34 county by 1% over the amount levied by the State pursuant to the
35 Maine Revised Statutes, Title 36, section 1811 and the proceeds
36 distributed as follows:

37 A. Thirty-five percent to the municipality in which the tax
38 is collected;

39 B. Forty percent to the municipalities within the county,
40 pursuant to the municipal revenue-sharing formula in the
41 Maine Revised Statutes, Title 30-A, section 5681; and

42 C. Twenty-five percent to the municipalities in all
43 counties that have adopted the 1% county tax increase,
44 pursuant to the municipal revenue-sharing formula in the
45 Maine Revised Statutes, Title 30-A, section 5681?"

2 4. Conduct of election. Except as provided in this
4 section, the petition process and the voting at elections in
6 towns and plantations must be held and conducted in accordance
8 with Title 30-A, sections 2528, 2529 and 2532, even if the town
10 or plantation has not accepted the provisions of section 2528.
12 The voting at elections in cities must be held and conducted in
14 accordance with Title 21-A. The municipal clerk shall make a
16 return of the results, certify the results and send them to the
18 county commissioners who shall certify the results and send them
20 to the Secretary of State. The Secretary of State shall forward
22 the results to the State Tax Assessor and the Treasurer of State.

14 §2303. Implementation of tax

16 1. Affirmative vote. If the results of an election held
18 under section 2302 show that a majority of the votes cast in a
20 county is in the affirmative, the Secretary of State, after
22 receiving written notification from the county commissioners,
24 shall notify the Treasurer of State and the State Tax Assessor of
26 those results. The State Tax Assessor shall collect the tax in
the same manner and with the same powers as provided in Part 3.

24 2. Effective date. Retailers shall begin collecting the
26 tax on the first day of the 4th month following the certification
of the vote by the county commissioners and its submission to the
Secretary of State.

28 3. Fund. The County Levied Tax Fund is established as a
30 separate account. The Treasurer of State shall deposit in that
fund all revenues received under this chapter.

32 4. Distribution of revenue. Beginning in the 10th month
34 after certification of the vote by the county commissioners and
36 its submission to the Secretary of State, the Treasurer of State
shall make distributions from the County Levied Tax Fund on the
first day of each month as follows.

38 A. Thirty-five percent of the amount attributable to each
40 municipality must be distributed to the municipality in
which the tax is collected.

42 B. Forty percent of the amount attributable to each
44 municipality must be distributed among the municipalities in
the county in which the municipality is located, pursuant to
46 the municipal revenue-sharing formula in Title 30-A, section
5681.

48 C. Twenty-five percent of the amount attributable to each
50 municipality must be distributed among the municipalities in
all counties that have adopted a county levied tax option,
52 pursuant to the municipal revenue-sharing formula in Title
30-A, section 5681.

2 petition for a county levied ticket tax election must be
4 signed by a number of voters equal to at least 10% of the
6 number of votes cast in that county in the last
8 gubernatorial election. All petition signatures must have
been signed within the previous 2 years. The petition must
be addressed to the county commissioners and delivered to
them at least 42 days before holding a primary, special
statewide, general or county election.

10 B. The municipal officers in municipalities that have a
12 combined population of 60% of the county's population as
14 determined by the most recent Federal Decennial Census may
16 petition the county commissioners for a county levied ticket
18 tax option election. A majority of the municipal officers
20 in a municipality must sign a petition before that
22 municipality's population may be included. The municipal
officers in the county may sign a single petition or each
municipality may submit its own petition, as long as all
petition signatures have been signed within the previous 2
years. The petition must be addressed to the county
commissioners and delivered to them at least 42 days before
holding a primary, special statewide, general or county
election.

24 2. Meeting. Upon receipt of a petition, the county
26 commissioners shall notify the municipal officers in each
28 municipality within the county and require them to notify the
30 inhabitants of their respective municipalities to meet in the
32 manner prescribed by law to vote on the county levied ticket tax
34 question. The county commissioners shall state the time for
36 opening and closing the polls, which must be the same in each
municipality, and set the date for the election, which must be at
the next regularly scheduled primary, special statewide, general
or county election. The county commissioners shall prepare the
election material and all ballots for the election and provide
them to each municipal clerk.

38 3. Referendum question. The election must be held to vote
40 on the following question.

42 "Do you favor enactment of a ticket tax in this county in the
44 amount of 25¢ per ticket or other admission device charged to
46 gain entrance to any facility constructed through the use of
municipal or county bonded debt and the proceeds distributed as
follows:

48 A. Thirty-five percent to the municipality in which the tax
is collected;

50 B. Forty percent to the municipalities within the county,
52 pursuant to the municipal revenue-sharing formula in the
Maine Revised Statutes, Title 30-A, section 5681; and

2 C. Twenty-five percent to the municipalities in all
4 counties that have adopted the 25¢ county ticket tax
6 pursuant to the municipal revenue-sharing formula in the
 Maine Revised Statutes, Title 30-A, section 5681?"

8 4. Conduct of election. Except as provided in this
10 section, the petition process and the voting at elections in
12 towns and plantations must be held and conducted in accordance
14 with Title 30-A, sections 2528, 2529 and 2532, even if the town
16 or plantation has not accepted the provisions of section 2528.
18 The voting at elections in cities must be held and conducted in
 accordance with Title 21-A. The municipal clerk shall make a
 return of the results, certify the results and send them to the
 county commissioners who shall certify the results and send them
 to the Secretary of State. The Secretary of State shall forward
 the results to the State Tax Assessor and the Treasurer of State.

20 §2403. Implementation of tax

22 1. Affirmative vote. If the results of an election held
24 under section 2402 show that a majority of the votes cast in a
26 county is in the affirmative, the Secretary of State, after
28 receiving written notification from the county commissioners,
 shall notify the Treasurer of State and the State Tax Assessor of
 those results. The State Tax Assessor shall collect the tax in
 the same manner and with the same powers as provided in Part 3.

30 2. Effective date. Retailers shall begin collecting the
32 tax on the first day of the 6th month following the certification
 of the vote by the county commissioners and its submission to the
 Secretary of State.

34 3. Fund. The County Levied Ticket Tax Fund is established
36 as a separate account. The Treasurer of State shall deposit in
 that fund all revenues received under this chapter.

38 4. Distribution of revenue. Beginning in the 12th month
40 after certification of the vote by the county commissioners and
42 its submission to the Secretary of State, the Treasurer of State
 shall make distributions from the County Levied Ticket Tax Fund
 on the first day of each month as follows.

44 A. Thirty-five percent of the amount attributable to each
46 municipality must be distributed to the municipality in
 which the tax is collected.

48 B. Forty percent of the amount attributable to each
50 municipality must be distributed among the municipalities in
52 the county in which the municipality is located, pursuant to
 the municipal revenue-sharing formula in Title 30-A, section
 5681.

