



## 116th MAINE LEGISLATURE

## **SECOND REGULAR SESSION-1994**

Legislative Document

No. 1711

S.P. 613

In Senate, January 11, 1994

An Act Concerning Technical Changes to the Tax Laws.

(EMERGENCY)

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 24.

Reference to the Committee on Taxation suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator SUMMERS of Cumberland.

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**Emergency preamble. Whereas,** Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, delay in making technical changes to the tax laws would interfere with administration of those laws; and

8 Whereas, legislative action is immediately necessary in order to ensure continued and efficient administration of the tax 10 laws; and

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

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

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Sec. 1. 36 MRSA §1752, sub-§11, ¶B, as enacted by PL 1989, c. 871, §5, is amended to read:

B. "Retail sale" does not include:

Any casual sale;

(2) Any sale by a personal representative in the
settlement of an estate, unless the sale is made
through a retailer, or unless the sale is made in the
continuation or operation of a business;

32 (3) The sale, to a person engaged in the business of renting automobiles, of automobiles, integral parts of automobiles or accessories to automobiles, for rental or for use in an automobile rented, on a short-term basis; or

38 (4) The sale, to a person engaged in the business of renting video tapes and video equipment, of video tapes
40 or video equipment for rental.

42 Sec. 2. 36 MRSA §1760, sub-§35, as enacted by PL 1975, c. 279, is amended to read:

35. Seeing eye dogs. Sales of goods-and-services which-are tangible personal property and services essential for the care and maintenance of seeing eye dogs which-are used to aid any blind person.

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Sec. 3. 36 MRSA §1760, sub-§46, as repealed and replaced by PL 1985, c. 535, §2, is amended to read:

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46. Residential facilities for medical patients and their families. Incorporated Sales to incorporated nonprofit organizations providing temporary residential accommodations to pediatric patients suffering from critical illness or disease, such as cancer, or who are accident victims, and adult patients with cancer, or the families of the patients;

Sec. 4. 36 MRSA §1760, sub-§60, as enacted by PL 1987, c. 343, 12 §6, is amended to read:

60. Sales to incorporated nonprofit animal shelters. Sales
to incorporated nonprofit animal shelters of materials-and-items
tangible personal property used in the operation and maintenance
of incorporated-nonprofit-animal those shelters and or in the
maintenance and care of any animal housed in those shelters.

20 Sec. 5. 36 MRSA §1760, sub-§64, as enacted by PL 1987, c. 895, is amended to read:

64. Schools and school-sponsored organizations. Sales of goods -- and -- services tangible personal property and services by 24 public and private elementary and secondary schools that otherwise qualify as a school under section 1760, subsection 16, 26 by student organizations sponsored by those schools, and 28 including booster clubs and student or parent-teacher organizations, provided that the profits from these such sales 30 are used to benefit those schools or student organizations or are used for a charitable purpose.

Sec. 6. 36 MRSA §1760, sub-§65, as repealed and replaced by PL 1989, c. 502, Pt. B, §46, is amended to read:

65. Monasteries and convents. Sales of items tangible
personal property to incorporated nonprofit monasteries and
convents for use in the their operation and maintenance of-an
incorporated-nonprofit-monastery-or-convent. For the purpose of
this subsection, "monastery" and "convent" means the dwelling
place of a community of religious persons.

Sec. 7. 36 MRSA §5210, sub-§5, as enacted by PL 1981, c. 698, 44 §187, is amended to read:

46 **5. Sales.** "Sales" means all gross receipts of the taxpayer not-allocated-under-section-5211,-subsections-3-to-7.

Sec. 8. 36 MRSA §6201, sub-§1, as amended by PL 1989, c. 534, 50 Pt. A, §2, is further amended to read:

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Benefit base. "Benefit base" means property taxes 2 1. accrued or rent constituting property taxes accrued, --less--the 4 equivalent-tax-value-of-any-benefit-received-or-to-be-received through-the-program-established-in-chapter-105,--subchapter-IV-A. 6 In the case of a claimant paying both rent and property taxes for a homestead, benefit base means both property taxes accrued and rent constituting property taxes accrued. 8 . . . 10 Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved. 12 STATEMENT OF FACT 14 16 This bill makes technical corrections and clarifications to various laws concerning taxation. The bill makes grammatical clarifications, modifies language to make these sections 18 consistent with the rest of the sales and use tax laws, and 20 eliminates references to repealed sections of law. 22 24 26 This document has not yet been reviewed to determine the need for cross-reference, stylistic and other technical 28 amendments to conform existing law to current drafting standards.

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