

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)



123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1377

H.P. 969

House of Representatives, March 13, 2007

An Act To Exempt Fuel Used by Commercial Groundfishing Boats from Sales Tax

(EMERGENCY)

Reference to the Committee on Taxation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative RAND of Portland.
Cosponsored by Representative RECTOR of Thomaston, Senator DAMON of Hancock and
Representatives: ADAMS of Portland, BRAUTIGAM of Falmouth, DUNN of Bangor,
HARLOW of Portland, HASKELL of Portland, KAENRATH of South Portland, MARLEY of
Portland, PERCY of Phippsburg, PINGREE of North Haven, Senators: STRIMLING of
Cumberland, SULLIVAN of York.

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

3 **Whereas,** the commercial groundfishing industry in Maine is in dire economic
4 circumstances; and

5 **Whereas,** sales taxes on diesel fuel significantly curtail a commercial groundfishing
6 operation's ability to remain profitable and economically viable; and

7 **Whereas,** neighboring states provide sales tax exemptions to commercial fishing
8 operations, providing incentives for them to base their operations at ports outside Maine;
9 and

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

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

15 **Sec. 1. 36 MRSA §1752, sub-§1-H** is enacted to read:

16 **1-H. Commercial groundfishing boat.** "Commercial groundfishing boat" means a
17 boat that is federally permitted to harvest northeast multispecies, operated by a person
18 who holds a commercial fishing license issued by the State and used for harvesting
19 northeast multispecies. As used in this subsection, "northeast multispecies" has the same
20 meaning as in 50 Code of Federal Regulations, Section 648.2 (2006).

21 **Sec. 2. 36 MRSA §1760, sub-§8, ¶D** is enacted to read:

22 **D. Diesel internal combustion engine fuel bought and used for the purpose of**
23 **operating or propelling a commercial groundfishing boat.**

24 **Emergency clause.** In view of the emergency cited in the preamble, this
25 legislation takes effect when approved.

26 **SUMMARY**

27 This bill exempts diesel fuel used for the purpose of operating or propelling a
28 commercial groundfishing boat from the sales tax. "Commercial groundfishing boat" is
29 defined as a boat that is licensed to harvest, and used for harvesting, northeast
30 multispecies fish.