

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. 1479

H.P. 1041

House of Representatives, March 19, 2007

An Act To Clarify Responsibility for the Collection of Rental Taxes

Reference to the Committee on Taxation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GILES of Belfast.

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

2 **Sec. 1. 36 MRSA §1754-B, sub-§1, ¶F**, as amended by PL 2005, c. 218, §19, is
3 repealed and the following enacted in its place:

4 F. Notwithstanding any paragraph to the contrary, every owner of a hotel, rooming
5 house or tourist camp or trailer camp in this State that is operated in the regular
6 course of business or on a casual basis and at which rents are collected or received
7 and every owner of living quarters that are rented for at least 15 days in the calendar
8 year;

9 **Sec. 2. 36 MRSA §1764**, as amended by PL 2005, c. 218, §25, is further amended
10 to read:

11 **§1764. Tax against certain casual sales**

12 The tax imposed by chapters 211 to 225 must be levied upon all casual rentals of
13 living quarters in a hotel, rooming house or tourist camp or trailer camp and upon all
14 casual sales involving the sale of camper trailers, truck campers, motor vehicles, special
15 mobile equipment except farm tractors and lumber harvesting vehicles or loaders,
16 livestock trailers, watercraft or aircraft except those sold for resale at retail sale or to a
17 corporation, partnership, limited liability company or limited liability partnership when
18 the seller is the owner of a majority of the common stock of the corporation or of the
19 ownership interests in the partnership, limited liability company or limited liability
20 partnership. This section does not apply to the rental of living quarters rented for a total
21 of fewer than 15 days in the calendar year, except that a person who owns and offers for
22 rental more than one property in the State during the calendar year is liable for collecting
23 sales tax with respect to the rental of each unit regardless of the number of days for which
24 it is rented. Beginning July 1, 2005, notwithstanding any law to the contrary, only the
25 owner of a hotel, rooming house, tourist camp or trailer camp or living quarters subject to
26 taxation pursuant to this section is liable for the collection and remittance of the tax
27 imposed pursuant to this section.

28 **Sec. 3. Retroactivity.** That section of this Act that amends the Maine Revised
29 Statutes, Title 36, section 1764 applies retroactively to July 1, 2005.

30 **SUMMARY**

31 This bill specifies that the owner of a hotel, rooming house or tourist camp or trailer
32 camp in this State that is operated in the regular course of business or on a casual basis
33 and at which rents are collected or received and the owner of living quarters that are
34 rented for at least 15 days annually are required to register as a seller with the State Tax
35 Assessor and collect and remit sales tax on those rents. This bill also specifies that the
36 owner of such rental property is responsible for the collection and remittance of the sales
37 tax imposed on that rental property, retroactive to July 1, 2005, the effective date of the
38 public law that required the tax to be imposed on casual rentals.