

# 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 electronic originals  
(may include minor formatting differences from printed original)



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

---

Legislative Document

No. 185

H.P. 162

House of Representatives, January 27, 2011

### **An Act To Refund the Sales Tax Paid on Fuel Used in Commercial Fishing Vessels**

---

Reference to the Committee on Taxation suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative MacDONALD of Boothbay.  
Cosponsored by Senator TRAHAN of Lincoln and  
Representatives: BELIVEAU of Kittery, KRUGER of Thomaston, KUMIEGA of Deer Isle,  
MAZUREK of Rockland, McKANE of Newcastle.

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

2 **Sec. 1. 36 MRSA §2013, sub-§2**, as amended by PL 2001, c. 396, §24, is further  
3 amended to read:

4 **2. Refund authorized.** Any person, association of persons, firm or corporation that  
5 purchases electricity, or that purchases or leases depreciable machinery or equipment, for  
6 use in commercial agricultural production, commercial fishing or commercial  
7 aquacultural production or that purchases fuel for use in a commercial fishing vessel must  
8 be refunded the amount of sales tax paid upon presenting to the State Tax Assessor  
9 evidence that the purchase is eligible for refund under this section.

10 Evidence required by the assessor may include a copy or copies of that portion of the  
11 purchaser's or lessee's most recent filing under the United States Internal Revenue Code  
12 that indicates that the purchaser or lessee is engaged in commercial agricultural  
13 production, commercial fishing or commercial aquacultural production and that the  
14 purchased machinery or equipment is depreciable for those purposes or would be  
15 depreciable for those purposes if owned by the lessee.

16 In the event that any piece of machinery or equipment is only partially depreciable under  
17 the United States Internal Revenue Code, any reimbursement of the sales tax must be  
18 prorated accordingly. In the event that electricity or fuel for a commercial fishing vessel  
19 is used in qualifying and nonqualifying activities, any reimbursement of the sales tax  
20 must be prorated accordingly.

21 Application for refunds must be filed with the assessor within 36 months of the date of  
22 purchase or execution of the lease.

23 **Sec. 2. 36 MRSA §2013, sub-§3**, as amended by PL 2001, c. 396, §24, is further  
24 amended to read:

25 **3. Purchases made free of tax with certificate.** Sales tax need not be paid on the  
26 purchase of electricity, fuel for a commercial fishing vessel or of a single item of  
27 machinery or equipment if the purchaser has obtained a certificate from the assessor  
28 stating that the purchaser is engaged in commercial agricultural production, commercial  
29 fishing or commercial aquacultural production and authorizing the purchaser to purchase  
30 electricity, fuel for a commercial fishing vessel or depreciable machinery and equipment  
31 without paying Maine sales tax. The seller is required to obtain a copy of the certificate  
32 together with an affidavit as prescribed by the assessor, to be maintained in the seller's  
33 records, attesting to the qualification of the purchase for exemption pursuant to this  
34 section. In order to qualify for this exemption, the electricity, fuel for a commercial  
35 fishing vessel or depreciable machinery or equipment must be used directly in  
36 commercial agricultural production, commercial fishing or commercial aquacultural  
37 production. In order to qualify for this exemption, the electricity or fuel for a commercial  
38 fishing vessel must be used in qualifying activities, including support operations.

39 **Sec. 3. Application.** This Act applies to purchases of fuel for use in a commercial  
40 fishing vessel on or after October 1, 2011.

1

## **SUMMARY**

2

This bill requires the refund of sales tax on purchases of fuel for use in a commercial fishing vessel and permits the issuance of a certificate permitting the purchases of such fuel without paying sales tax if the purchaser obtains a certificate verifying eligibility from the State Tax Assessor.

3

4

5