

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 212

H.P. 173

House of Representatives, February 5, 2013

**An Act To Provide a Tax Exemption for Tobacco Sold to an Adult
Member of a Federally Recognized Indian Tribe for Cultural,
Spiritual or Ceremonial Purposes**

Reference to the Committee on Taxation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MITCHELL of the Penobscot Nation.
Cosponsored by Senator HASKELL of Cumberland and
Representatives: BRIGGS of Mexico, GOODE of Bangor, SOCTOMAH of the
Passamaquoddy Tribe, VEROW of Brewer, Senator: TUTTLE of York.

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

2 **Sec. 1. 36 MRSA §1760, sub-§95** is enacted to read:

3 **95. Tobacco sold to adult members of federally recognized Indian tribes. Sales**
4 **of cigarettes and tobacco products to adult members of federally recognized Indian tribes**
5 **for cultural, spiritual or ceremonial purposes.**

6 **Sec. 2. Process for exemption or refund of cigarette and tobacco taxes.**

7 The State Tax Assessor shall work with representatives of federally recognized Indian
8 tribes in the State to establish a process for adult members of federally recognized Indian
9 tribes to purchase cigarettes and tobacco products for cultural, spiritual or ceremonial
10 purposes without payment of the taxes imposed under the Maine Revised Statutes, Title
11 36, chapter 703 or 704 or to receive a refund of those taxes. The State Tax Assessor shall
12 submit the results of this process to the Joint Standing Committee on Taxation by January
13 15, 2014, including draft legislation to authorize and implement the exemption or refund
14 process. The committee may report out a bill to the Second Regular Session of the 126th
15 Legislature to implement the exemption or refund process.

16 **SUMMARY**

17 This bill provides a sales tax exemption for the purchase of cigarettes and tobacco
18 products by adult members of federally recognized Indian tribes for cultural, spiritual or
19 ceremonial purposes and requires the State Tax Assessor to work with representatives of
20 federally recognized Indian tribes in the State to establish a process for adult members of
21 federally recognized Indian tribes to purchase cigarettes and tobacco products for
22 cultural, spiritual or ceremonial purposes without payment of the cigarette or tobacco
23 products taxes or to obtain a refund of those taxes.