

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 859

S.P. 303

In Senate, March 11, 2015

An Act To Improve Camping Opportunities in Maine

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
Secretary of the Senate

Presented by Senator COLLINS of York.
Cosponsored by Representative TURNER of Burlington and
Senator: CYRWAY of Kennebec, Representatives: BRYANT of Windham, GERRISH of
Lebanon, HANINGTON of Lincoln, HOBART of Bowdoinham, PARRY of Arundel,
SCHNECK of Bangor, SHERMAN of Hodgdon.

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

2 **Sec. 1. 23 MRSA §1912-C, sub-§5, ¶C**, as enacted by PL 2013, c. 549, §3, is
3 amended to read:

4 C. A major recreational area that is a geographic region that is served by a highway
5 that is classified as an arterial or a major collector. The geographic region must:

6 (1) Contain a beach or lake access that is open to the public, allows swimming
7 for all ages, provides parking for more than 100 vehicles, has rest rooms on or
8 adjacent to the beach or lake access and, with respect to a beach, maintains
9 lifeguards on duty during July and August;

10 (2) Contain a ski area open to the public that:

11 (a) Has a minimum vertical drop of 1,000 feet with 40 or more maintained
12 trails; or

13 (b) Is within 10 miles of the exit, has a minimum vertical drop of 200 feet
14 with 10 or more maintained trails and has an aerial lift servicing groomed
15 trails; or

16 (3) Have generated at least 1% of the State's total sales subject to the taxes under
17 Title 36, section 1811 on the value of liquor sold in licensed establishments as
18 defined in Title 28-A, section 2, subsection 15, prepared food and rental of living
19 quarters in any hotel, rooming house or ~~tourist or trailer camp~~ campground over
20 the previous 3 years and must offer recreational opportunities of sufficient traffic
21 significance to warrant signs in accordance with criteria developed by the signing
22 agency;

23 **Sec. 2. 36 MRSA §1752, sub-§1-I** is enacted to read:

24 **1-I. Campground.** "Campground" has the same meaning as in Title 22, section
25 2491, subsection 1.

26 **Sec. 3. 36 MRSA §1752, sub-§17-B**, as amended by PL 2013, c. 156, §2, is
27 further amended to read:

28 **17-B. Taxable service.** "Taxable service" means the rental of living quarters in a
29 hotel, rooming house or ~~tourist or trailer camp~~ campground; the transmission and
30 distribution of electricity; the rental or lease of an automobile, a camper trailer, or a motor
31 home, as defined in Title 29-A, section 101, subsection 40; the rental or lease of a pickup
32 truck or van with a gross vehicle weight of less than 26,000 pounds from a person
33 primarily engaged in the business of renting automobiles; the sale of an extended service
34 contract on an automobile or truck that entitles the purchaser to specific benefits in the
35 service of the automobile or truck for a specific duration; and the sale of prepaid calling
36 service.

37 **Sec. 4. 36 MRSA §1752, sub-§19** is repealed.

1 **Sec. 5. 36 MRSA §1752, sub-§20**, as amended by PL 2007, c. 627, §44, is
2 repealed.

3 **Sec. 6. 36 MRSA §1754-B, sub-§1, ¶F**, as amended by PL 2005, c. 218, §19, is
4 further amended to read:

5 F. Every person that manages or operates in the regular course of business or on a
6 casual basis a hotel, rooming house or ~~tourist or trailer camp~~ campground in this State
7 or that collects or receives rents from a hotel, rooming house or ~~tourist or trailer camp~~
8 campground in this State;

9 **Sec. 7. 36 MRSA §1760, sub-§20**, as amended by PL 2007, c. 438, §37, is
10 repealed.

11 **Sec. 8. 36 MRSA §1760, sub-§20-A** is enacted to read:

12 **20-A. Continuous residence; refunds and credits.** Rental charged to any person
13 who resides continuously for 28 days or more at:

14 A. Any one hotel or rooming house if:

15 (1) The person does not maintain a primary residence at some other location; or

16 (2) The person is residing away from that person's primary residence in
17 connection with employment or education; or

18 B. Any one campground.

19 Tax paid by such a person to the retailer under section 1812 during the initial 28-day
20 period must be refunded by the retailer. If the tax has been reported and paid to the State
21 by the retailer, it may be taken as a credit by the retailer on the return filed by the retailer
22 covering the month in which the refund was made to the tenant.

23 **Sec. 9. 36 MRSA §1760, sub-§96** is enacted to read:

24 **96. Campgrounds.** The rental of a site at a campground as long as nothing else of
25 value is provided by the owner of the campground to the renter.

26 **Sec. 10. 36 MRSA §1764**, as amended by PL 2013, c. 331, Pt. C, §9, is further
27 amended to read:

28 **§1764. Tax against certain casual sales**

29 The tax imposed by this Part must be levied upon all casual rentals of living quarters
30 in a hotel, rooming house, ~~tourist camp or trailer camp~~ or campground and upon all
31 casual sales involving the sale of trailers, truck campers, motor vehicles, special mobile
32 equipment, watercraft or aircraft unless the property is sold for resale at retail sale or to a
33 corporation, partnership, limited liability company or limited liability partnership when
34 the seller is the owner of 50% or more of the common stock of the corporation or of the
35 ownership interests in the partnership, limited liability company or limited liability
36 partnership. This section does not apply to the rental of living quarters rented for a total
37 of fewer than 15 days in the calendar year, except that a person who owns and offers for

1 rental more than one property in the State during the calendar year is liable for collecting
2 sales tax with respect to the rental of each unit regardless of the number of days for which
3 it is rented. For purposes of this section, "special mobile equipment" does not include
4 farm tractors and lumber harvesting vehicles or loaders.

5 **Sec. 11. 36 MRSA §1811, first ¶**, as repealed and replaced by PL 2013, c. 588,
6 Pt. E, §11, is amended to read:

7 A tax is imposed on the value of all tangible personal property, products transferred
8 electronically and taxable services sold at retail in this State. The rate of tax is 7% on the
9 value of liquor sold in licensed establishments as defined in Title 28-A, section 2,
10 subsection 15, in accordance with Title 28-A, chapter 43; 7% on the value of rental of
11 living quarters in any hotel, rooming house or ~~tourist or trailer camp~~ campground; 10%
12 on the value of rental for a period of less than one year of an automobile, of a pickup
13 truck or van with a gross vehicle weight of less than 26,000 pounds rented from a person
14 primarily engaged in the business of renting automobiles or of a loaner vehicle that is
15 provided other than to a motor vehicle dealer's service customers pursuant to a
16 manufacturer's or dealer's warranty; 7% on the value of prepared food; and 5% on the
17 value of all other tangible personal property and taxable services and products transferred
18 electronically. Notwithstanding the other provisions of this section, from October 1,
19 2013 to June 30, 2015, the rate of tax is 8% on the value of rental of living quarters in any
20 hotel, rooming house or tourist or trailer camp; 8% on the value of prepared food; 8% on
21 the value of liquor sold in licensed establishments as defined in Title 28-A, section 2,
22 subsection 15, in accordance with Title 28-A, chapter 43; and 5.5% on the value of all
23 other tangible personal property and taxable services and products transferred
24 electronically. Value is measured by the sale price, except as otherwise provided. The
25 value of rental for a period of less than one year of an automobile or of a pickup truck or
26 van with a gross vehicle weight of less than 26,000 pounds rented from a person
27 primarily engaged in the business of renting automobiles is the total rental charged to the
28 lessee and includes, but is not limited to, maintenance and service contracts, drop-off or
29 pick-up fees, airport surcharges, mileage fees and any separately itemized charges on the
30 rental agreement to recover the owner's estimated costs of the charges imposed by
31 government authority for title fees, inspection fees, local excise tax and agent fees on all
32 vehicles in its rental fleet registered in the State. All fees must be disclosed when an
33 estimated quote is provided to the lessee.

34 **Sec. 12. Effective date.** This Act takes effect October 1, 2015.

35 SUMMARY

36 This bill repeals the definitions of "tourist camp" and "trailer camp" and replaces
37 those terms with the term "campground" in the Sales and Use Tax Law. This bill
38 exempts from sales and use tax rental fees charged to a person who resides for 28 days or
39 longer at one campground. This bill also exempts from the sales and use tax the rental of
40 a campsite as long as nothing else of value is given by the owner of that campsite to the
41 renter.