

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1418

S.P. 468

In Senate, April 12, 2021

An Act To Allow a Local Option Sales Tax on Meals and Lodging

Received by the Secretary of the Senate on April 8, 2021. Referred to the Committee on Taxation pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator LUCHINI of Hancock.

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

2 **Sec. 1. 36 MRSA §1820** is enacted to read:

3 **§1820. Municipal local option sales tax on meals and lodging**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Local option sales tax" means a sales tax imposed pursuant to subsection 2.

7 B. "Participating municipality" means a municipality that has imposed a local option
8 sales tax.

9 C. "Prepared food" does not include marijuana plant or marijuana products sold
10 pursuant to the Maine Medical Use of Marijuana Act or adult use marijuana or adult
11 use marijuana products, as defined in Title 28-B, section 102, subsections 1 and 2,
12 respectively.

13 **2. Authorization to impose local option sales tax.** A municipality by referendum
14 conducted pursuant to subsection 9 may impose a local option sales tax of no more than
15 1% on prepared food and the value of rental of living quarters in any hotel, rooming house
16 or tourist or trailer camp and may limit the period of time the tax is imposed to specified
17 months of the year.

18 **3. Local option sales tax limited to taxable meals and lodging.** A municipality may
19 not impose a local option sales tax on prepared food or the value of rental of living quarters
20 of any hotel, rooming house or tourist or trailer camp not subject to tax pursuant to section
21 1811.

22 **4. Notify State Tax Assessor.** A participating municipality shall notify the assessor
23 at least 90 days before the local option sales tax is effective.

24 **5. Administration.** A retailer in a participating municipality shall transfer the revenue
25 from a local option sales tax at the time and in the manner provided in section 1951-A for
26 the transfer of state sales tax revenue. The tax is subject to the same enforcement
27 provisions, interest, penalties and administrative actions as other taxes assessed under this
28 Part.

29 **6. Distribution of revenue.** Each month, the assessor shall identify the amount of
30 revenue attributable to each participating municipality under this section, subtract the costs
31 of administering this section and certify the net amount for that municipality to the
32 Treasurer of State for distribution pursuant to this subsection. From the net amount
33 certified for a municipality under this subsection, the Treasurer of State shall make monthly
34 payments as follows:

35 A. To the participating municipality, 85% of the net amount; and

36 B. To all other municipalities, 15% of the net amount.

37 For purposes of this subsection, "costs of administering this section" means the lesser of
38 the actual cost to the assessor of administering this section and 2% of the total revenue
39 generated by a local option sales tax.

1 **7. Use of revenue by participating municipality.** A participating municipality that
2 receives funds pursuant to subsection 6, paragraph A shall use those funds for the purposes
3 described in the referendum approved under subsection 9.

4 **8. Effect on revenue sharing and other state aid programs.** Revenue received by
5 the State or assessor pursuant to subsection 5 may not be considered to be receipts from the
6 taxes imposed under this Part for the purpose of transfers to the Local Government Fund
7 under Title 30-A, section 5681. Revenue received pursuant to subsection 5 may not be used
8 to reduce or eliminate any funding otherwise due a municipality under any provision of law
9 providing aid to the municipality, including, but not limited to, aid for schools, roads, public
10 assistance or jails.

11 **9. Referendum.** The question of whether to impose a local option sales tax must be
12 submitted to the legal voters of a municipality that seeks to impose the local option sales
13 tax. The referendum question must indicate the rate of the local option sales tax, specify
14 the months during which it will be imposed if not year-round and identify the purposes for
15 which the revenue will be used.

16 The petition process and voting must be held and conducted in accordance with Title 30-A,
17 sections 2528, 2529 and 2532 even if the municipality has not accepted the provisions of
18 Title 30-A, section 2528. The voting at elections must be held and conducted in accordance
19 with Title 21-A.

20 The municipal clerk shall make a return of the results, certify the results and send them to
21 the Secretary of State. The Secretary of State shall forward the results to the assessor.

22 The local option sales tax may be discontinued by referendum conducted in the same
23 manner as the referendum adopting the tax under this subsection.

24 **10. Effective date of tax; acceptance by voters.** A local option sales tax authorized
25 by this section takes effect 120 days after the municipal referendum vote under subsection
26 9 if it is accepted by a majority of the legal voters voting at the election and the total number
27 of votes cast equals or exceeds 20% of the total number of votes cast in that municipality
28 in the most recent gubernatorial election.

29 **SUMMARY**

30 This bill allows a municipality to impose a local option sales tax of no more than 1%,
31 which may be seasonal, on prepared food, not including marijuana or marijuana products,
32 and short-term lodging if approved by referendum of the voters in that municipality.
33 Revenue from the local option sales tax is distributed at the rate of 85% to the municipality
34 and 15% to all other municipalities. Revenue received by a municipality may not be used
35 to reduce or eliminate funding otherwise due the municipality under other provisions of
36 law.