

# MAINE STATE LEGISLATURE

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N I N E T Y - F O U R T H   L E G I S L A T U R E

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**Legislative Document**

**No. 704**

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H. P. 1353

House of Representatives, February 15, 1949.

Referred to Committee on Taxation. Sent up for concurrence and 1000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Dennett of Kittery.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-NINE

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**AN ACT Reducing the Gasoliné Tax.**

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

**Sec. 1. R. S., c. 14, § 160, repealed and replaced.** Section 160 of chapter 14 of the revised statutes, as amended by chapter 247; section 1 of chapter 349; and section 1 of chapter 379, all of the public laws of 1947, is hereby repealed and the following enacted in place thereof :

‘Sec. 160. Tax levied; rebates. An excise tax is levied and imposed at the rate of 5c per gallon upon internal combustion engine fuel sold or used within this state, including such sales when made to the state or any political subdivision thereof, for any purpose whatsoever, excepting, however, such internal combustion engine fuel sold or used in such form and under such circumstances as shall preclude the collection of this tax by reason of the provisions of the laws of the United States, or sold wholly for exportation from the state, or brought into the state in the ordinary standardized equipment fuel tank attached to and forming a part of a motor vehicle and used in the operation of such vehicle within the state; provided, however, that on the same fuel only one tax shall be paid to the state, for which tax the distributor first receiving the fuel in the state shall be primarily liable to the state, except when such fuel has been sold and delivered to another distributor in the state, in which case the purchasing distributor shall be

primarily liable to the state for the tax; and provided further, that 4c of the tax so paid, and no more, upon such internal combustion fuel used in motor boats, in tractors used for agricultural purposes not operating on public ways, or in such vehicles as run only on rails or tracks, or in stationary engines, or in the mechanical or industrial arts, shall be refunded as hereinafter provided; and provided further, that 8 mills of the tax so paid on fuel used in motor boats, which is not refunded under the provisions of section 166, shall be paid to the treasurer of state, to be made available to the commissioner of sea and shore fisheries for the purpose of conducting research, development and propagation activities by that department.

It is the responsibility of said commissioner to select activities and projects that will be most beneficial to the commercial fisheries of the state.'

**Sec. 2. R. S., c. 14, § 162, repealed and replaced.** Section 162 of chapter 14 of the revised statutes, as amended by section 2 of chapter 349 of the public laws of 1947, is hereby repealed and the following enacted in place thereof:

'Sec. 162. Distributor entitled to collect 5c additional. Each distributor paying or becoming liable to pay the tax imposed by sections 159 to 168, inclusive, shall be entitled to charge and collect 5c per gallon only as a part of the selling price of the internal combustion engine fuels subject to the tax.'

**Sec. 3. R. S., c. 14, § 163, repealed and replaced.** Section 163 of chapter 14 of the revised statutes, as amended by section 2 of chapter 31 of the public laws of 1945; and by section 3 of chapter 349 and section 2 of chapter 379, both of the public laws of 1947; is hereby repealed and the following enacted in place thereof:

'Sec. 163. Rules and regulations; reports; assessment of tax. Every distributor shall on or before the last day of each month render a report to the state tax assessor stating the number of gallons of internal combustion engine fuel received, sold and used in the state by him during the preceding calendar month, on forms to be furnished by the state tax assessor. Such report shall contain such further information pertinent thereto as the state tax assessor shall prescribe, and the state tax assessor may make such other reasonable rules and regulations regarding the administration and enforcement of the provisions of the gasoline tax act as he may deem necessary or expedient, copies of which shall be sent to distributors, and he or his duly authorized agent shall have access during reasonable business hours to the books, invoices and vouchers of the distributor which may show the fuel

handled by the distributor. At the time of the filing of said report each distributor shall pay to the state tax assessor a tax of 5c upon each gallon so reported as sold, distributed or used, and the state tax assessor shall pay over all receipts from such tax to the treasurer of state daily. And if such report is not filed by the last day of the month such distributor shall be liable to a penalty of \$5 a day for each day in arrears, due on demand by the state tax assessor and recoverable in an action of debt. Each distributor shall, within 15 days after demand made on him by the state tax assessor, pay a tax of 5c per gallon upon each gallon of such fuel upon which the tax has not been paid, which upon an audit the state tax assessor may find to have been received into the state during the preceding year by the distributor and not properly accounted for in a distributor's report or in accordance with law. An allowance of not more than 1% from the amount of fuel received by the distributor, plus 1% on all transfers in vessels or tank cars by a distributor in the regular course of his business from one of his places of business to another within the state, may be allowed by the tax assessor to cover the loss through shrinkage, evaporation or handling sustained by the distributor; but the total allowance for such losses shall not exceed 2% of the receipts by such distributor and no further deduction shall be allowed unless the state tax assessor is satisfied on definite proof submitted to him that a further deduction should be allowed by him for a loss sustained through fire, accident or some unavoidable calamity.'

Sec. 4. R. S., c. 14, § 166, repealed and replaced. Section 166 of chapter 14 of the revised statutes, as amended by section 3 of chapter 31 of the public laws of 1945; and by section 1 of chapter 101 and section 4 of chapter 349, both of the public laws of 1947, is hereby repealed and the following enacted in place thereof:

'Sec. 166. Provision for refund of 4/5 of tax collected in certain instances; procedure for obtaining refund; time limit for filing application for refund. Any person, association of persons, firm or corporation who shall buy and use any internal combustion engine fuel as defined in sections 159 to 168, inclusive, for the purpose of operating or propelling motor boats, tractors used for agricultural purposes not operating on public ways, or in such vehicles as run only on rails or tracks, or in stationary engines, or in the mechanical or industrial arts, or for any other commercial use except in motor vehicles operated or intended to be operated upon any of the public highways of this state, or turnpikes operated and maintained by the Maine Turnpike Authority, or except, as provided in section 166-A, for the use in the operation of aircraft, and who shall have paid any tax on internal combustion engine fuel levied or directed to be paid as provided by sections

159 to 168, inclusive, either directly by the collection of such tax by the vendor from such consumer, or indirectly by adding the amount of such tax to the price of such fuel and paid by such consumer, shall be reimbursed and repaid to the extent of  $\frac{4}{5}$  of the amount of such tax paid by him upon presenting to the state tax assessor a statement accompanied by the original invoices showing such purchases, which statement shall show the total amount of such fuel so purchased and used by such consumer other than in motor vehicles operated or intended to be operated upon any of the public highways of the state and in the operation of aircraft.

Provided that applications for refunds as provided herein must be filed with the state tax assessor within 9 months from the date of purchase.'

Sec. 5. R. S., c. 14, § 166-A, repealed. Section 166-A of chapter 14 of the revised statutes, as enacted by section 4-A of chapter 349 of the public laws of 1947, is hereby repealed and the following enacted in place thereof:

'Sec. 166-A. Provision for refund of  $\frac{1}{5}$  of tax collected by users of aircraft. Any person, association of persons, firm or corporation who shall buy and use any internal combustion engine fuel as defined in sections 159 to 168 inclusive, for the purpose of operating aircraft, and who shall have paid any tax on internal combustion engine fuel levied or directed to be paid as provided by sections 159 to 168, inclusive, either directly or by the collection of such tax by the vendor from such consumer or indirectly by adding the amount of such tax to the price of such fuel and paid by such consumer, shall be reimbursed and repaid to the extent of  $\frac{1}{5}$  of the amount of such tax paid by him upon presenting to the state tax assessor a statement accompanied by the original invoices showing such purchases. Provided that applications for refunds as provided herein must be filed with the state tax assessor within 9 months from the date of purchase.'

Sec. 6. R. S., c. 14, § 172, repealed and replaced. Section 172 of chapter 14 of the revised statutes, as amended by section 2 of chapter 101 and by section 5 of chapter 349, both of the public laws of 1947, is hereby repealed and the following enacted in place thereof:

'Sec. 172. Levy of tax and exemptions. An excise tax is imposed on all users of fuel upon the use of such fuel by any person within this state, only when such fuel is used in an internal combustion engine for the generation of power to propel motor vehicles of any kind or character on the public highways or turnpikes operated and maintained by the Maine Turnpike Authority, at the rate of 5c per gallon, to be computed in the manner set forth in sections 173 to 185, inclusive; provided, however, that no tax is

**imposed upon the use of any fuel if the constitution of the United States or of this state precludes such tax.'**

**Sec. 7. P. L., 1947, c. 349, §§ 6, 7, repealed.** Sections 6 and 7 of chapter 349 of the public laws of 1947 are hereby repealed.

**Sec. 8. P. L., 1947, c. 379, § 3, repealed.** Section 3 of chapter 379 of the public laws of 1947 is hereby repealed.

**Sec. 9. Effective date.** The provisions of this act shall take effect on September 1, 1950.