

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1354

H. P. 953

House of Representatives, March 20, 1957.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Carey of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Refunding Gasoline and Use Fuel Taxes to Local Transit Operators.

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

Sec. 1. R. S., c. 16, § 160, amended. Section 160 of chapter 16 of the Revised Statutes, as amended by section 1 of chapter 436 of the public laws of 1955, is hereby further amended to read as follows:

'Sec. 160. Tax levied; rebates. An excise tax is levied and imposed at the rate of 7c 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~~. 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 6c~~. **Six cents** of the tax so paid, and no more, upon such 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, **or in vehicles used in common carrier passenger service as provided in section 166-A**, shall be refunded as ~~hereinafter provided; and provided fur-~~

~~ther, that~~ 8. **Eight** 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 the 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. 16, § 166-A, additional. Chapter 16 of the Revised Statutes is hereby amended by adding thereto a new section to be numbered 166-A, to read as follows:

'**Sec. 166-A. Refund of 6/7 of tax paid by certain common carriers.** Any person, firm or corporation engaged in furnishing common carrier passenger service under a certificate issued by the Public Utilities Commission shall be reimbursed and repaid to the extent of 6/7 of the amount of such tax paid by him upon that proportion of the internal combustion engine fuel used in vehicles operated by him which his tax-exempt passenger fare revenue derived from such service bears to his total passenger fare revenue. Tax-exempt passenger fare revenue means revenue attributable to fares which were exempt from the federal tax upon transportation of persons imposed by section 4261 of the Federal Internal Revenue Code, by reason of the provisions of sections 4262 or 4263 of said Internal Revenue Code. Total passenger fare revenue means all revenue attributable to the claimant's passenger operations, whether or not pursuant to the certificate issued by the Public Utilities Commission. The refund provided for in this section shall be made only if the claimant's tax-exempt passenger fare revenue is at least 60% of the claimant's total passenger fare revenue derived during the calendar quarter for which such refund is claimed.

The claimant shall present his claim to the State Tax Assessor in such form and with such information as the State Tax Assessor may prescribe accompanied by original invoices showing such purchases. Applications for refunds as provided must be filed with the State Tax Assessor within 9 months from the date of purchase.'

Sec. 3. R. S., c. 16, § 183-A, additional. Chapter 16 of the Revised Statutes is hereby amended by adding thereto a new section to be numbered 183-A, to read as follows:

'**Sec. 183-A. Refund of taxes for certain common carriers.** Any person, firm or corporation engaged in furnishing common carrier passenger service under a certificate issued by the Public Utilities Commission shall be reimbursed and repaid to the extent of 6/7 of the amount of such tax paid by him upon that proportion of the combustible gases and liquids used in an internal combustion engine used in vehicles operated by him which his tax-exempt passenger fare revenue derived from such service bears to his total passenger fare revenue. Tax-exempt passenger fare revenue means revenue attributable to fares which were exempt from the federal tax upon transportation of persons imposed by section 4261 of the Federal Internal Revenue Code, by reasons of the provisions of sections 4262 or 4263 of said Internal Revenue Code. Total passenger fare revenue means all revenue attributable to the claimant's passenger operations, whether or not pursuant to the certificate issued by the Public Utilities Com-

mission. The refund provided for in this section shall be made only if the claimant's tax-exempt passenger fare revenue is at least 60% of the claimant's total passenger fare revenue derived during the calendar quarter for which such refund is claimed.

The claimant shall present his claim to the State Tax Assessor in such form and with such information as the State Tax Assessor may prescribe accompanied by original invoices showing such purchases; applications for refunds as provided must be filed with the State Tax Assessor within 9 months from the date of purchase.'