

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST SPECIAL SESSION**

August 21, 1989 to August 22, 1989

and

**SECOND REGULAR SESSION**

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
July 14, 1990

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

---

---

J.S. McCarthy Company  
Augusta, Maine  
1990

---

**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**January 3, 1990 to April 14, 1990**

---

B. Is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies.

5. Credit is allowed as an asset or deduction from liability to any ceding insurer only for reinsurance ceded to an assuming insurer qualified under this section, except that no credit is allowed, unless the reinsurance is payable by the assuming insurer on the basis of the liability of the ceding insurer under the contracts reinsured without diminution because of the insolvency of the ceding insurer.

6. This section does not apply to wet marine and transportation insurance.

7. The superintendent may adopt rules, subject to Title 5, chapter 375, to implement this section.

**§731-C. Bulk reinsurance**

The cession of bulk reinsurance by a domestic insurer is subject to section 3483.

**§731-D. Notification of reinsurance changes**

Upon request of the superintendent, an insurer shall promptly inform the superintendent in writing of the cancellation or any other material change of any of the insurer's reinsurance treaties or arrangements.

**Sec. E-3. 24-A MRSA §3483, sub-§6** is enacted to read:

6. The superintendent may adopt rules, subject to Title 5, chapter 375, to effectuate this section.

**Sec. E-4. Application.** Title 24-A, section 731-B, subsection 2, as enacted by section E-2 of this Act, applies to reinsurance agreements executed or renewed on or after the effective date of this Part. For purposes of this Act, reinsurance agreements are deemed renewed no later than 6 months after the effective date of this Part.

See title page for effective date.

---



---

**CHAPTER 847**

**H.P. 1573 - L.D. 2180**

**An Act to Amend Certain Sales Tax Exemptions**

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

**Sec. 1. 36 MRSA §1752, sub-§1-D,** as enacted by PL 1987, c. 497, §15, is amended to read:

**1-D. Casual sale.** "Casual sale" means an isolated transaction in which tangible personal property or a taxable service is sold other than in the ordinary course of repeated and successive transactions of like character by

the person making the sale. "Casual sales" include transactions by a civic, religious or fraternal organization which is not a registered retailer at a bazaar, fair, rummage sale, picnic or similar event, ~~but, if any such organization makes such transactions during more than 8 days during a calendar year, all such transactions during the calendar year constitute retail sales.~~ The sale by a registered retailer of tangible personal property which that retailer has used in the course of ~~his~~ the retailer's business is not a "casual sale" if that property is of like character to that sold in the ordinary course of repeated and successive transactions. "Casual sale" does not include any transaction in which tangible personal property is sold by a representative for the owner's account when that representative is a registered retailer and the registered retailer shall have the same duties respecting any such transaction as if ~~he~~ the representative had sold on ~~his~~ the representative's own account.

**Sec. 2. 36 MRSA §1760, sub-§3, ¶D,** as repealed and replaced by PL 1985, c. 819, Pt. A, §§40 and 41, is amended to read:

D. Those made from a retail location from which food ordinarily is sold for consumption without further preparation or storage, ~~even though the products are packaged or wrapped in bulk quantities;~~ and

**Sec. 3. 36 MRSA §2013, sub-§3,** as amended by PL 1985, c. 411, §2, is further amended to read:

**3. Exemption for large purchase after certification.** ~~No sales tax may be~~ is not paid on the purchase of a single item of machinery or equipment ~~with a sales price in excess of \$1,000,~~ if the purchaser has the certification of the State Tax Assessor that ~~he~~ the purchaser is engaged in commercial agricultural production or commercial fishing, and that ~~he~~ the purchaser may purchase depreciable machinery and equipment without paying Maine sales tax. The seller is required to obtain a copy of the certificate together with an affidavit as prescribed by the State Tax Assessor, to be maintained in the seller's records, attesting to the qualification of the purchase for exemption pursuant to this section. In order to qualify for this exemption, the depreciable machinery or equipment must be ~~sued only for use~~ used directly in commercial agricultural production or commercial fishing.

See title page for effective date.

---



---

**CHAPTER 848**

**S.P. 888 - L.D. 2264**

**An Act to Establish the Taxpayer Bill of Rights**

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

**Sec. 1. 36 MRSA §112, sub-§3,** as enacted by PL 1981, c. 364, §7, is amended to read: