

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND NINETEENTH LEGISLATURE
SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

(1) The information that suggests a supply shortfall;

(2) Current and anticipated inventories of home heating oil storage supplies; and

(3) Any recommendations of the State Planning Office for actions by the State in response to the anticipated supply shortfall.

Sec. 4. 30-A MRSA §4994 is enacted to read:

§4994. Heating oil price increases

1. Initial trigger. If home heating oil prices increase more than 40% in any 14-day period during the home heating season, the authority shall immediately:

A. Estimate funds needed to provide adequate assistance to residents eligible at that time to receive fuel assistance under this subchapter; and

B. Notify the Governor, the joint standing committee of the Legislature having jurisdiction over utilities and energy matters, the joint standing committee of the Legislature having jurisdiction over business and economic development matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs of the estimated funding need.

2. Higher trigger. If home heating oil prices increase more than 50% in any 14-day period during the home heating season, the authority shall immediately:

A. Estimate funds needed to provide adequate assistance:

(1) To residents eligible at that time to receive fuel assistance under this subchapter; and

(2) To residents not eligible at that time to receive fuel assistance under this subchapter but who, as a result of the oil price increase, require fuel assistance under this subchapter; and

B. Notify the Governor, the joint standing committee of the Legislature having jurisdiction over utilities and energy matters, the joint standing committee of the Legislature having jurisdiction over business and economic development matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs of the estimated funding need.

See title page for effective date.

CHAPTER 759

S.P. 1082 - L.D. 2686

An Act Related to Sales Tax on Vehicles Leased and Removed from the State and Watercraft Used in Interstate Commerce

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

Sec. 1. 36 MRSA §1760, sub-§23, as amended by PL 1999, c. 708, §26 and affected by §52, is further amended to read:

23. Certain vehicles purchased or leased by nonresidents. Sales or leases of the following vehicles purchased by to a nonresident and if the vehicle is intended to be driven or transported outside the State immediately upon delivery by the seller:

A. Motor vehicles, except all-terrain vehicles as defined in Title 12, section 7851 and snowmobiles as defined in Title 12, section 7821;

B. Semitrailers;

C. Aircraft;

D. Truck bodies and trailers manufactured in the State; and

E. Camper trailers, including truck campers.

If the vehicles are registered for use in the State within 12 months of the date of purchase, the person seeking registration is liable for use tax on the basis of the original purchase price.

Notwithstanding section 1752-A, for purposes of this subsection, the term "nonresident" may include an individual, an association, a society, a club, a general partnership, a limited partnership, a domestic or foreign limited liability company, a trust, an estate, a domestic or foreign corporation and any other legal entity.

This subsection is repealed June 30, 2001.

Sec. 2. 36 MRSA §1760, sub-§23-C is enacted to read:

23-C. Certain vehicles purchased by nonresidents. Sales of the following vehicles purchased by a nonresident and intended to be driven or transported outside the State immediately upon delivery by the seller:

A. Motor vehicles, except all-terrain vehicles as defined in Title 12, section 7851 and snowmobiles as defined in Title 12, section 7821;

B. Semitrailers;

C. Aircraft;

D. Truck bodies and trailers manufactured in the State; and

E. Camper trailers, including truck campers.

If the vehicles are registered for use in the State within 12 months of the date of purchase, the person seeking registration is liable for use tax on the basis of the original purchase price.

Notwithstanding section 1752-A, for purposes of this subsection, the term "nonresident" may include an individual, an association, a society, a club, a general partnership, a limited partnership, a domestic or foreign limited liability company, a trust, an estate, a domestic or foreign corporation and any other legal entity.

Sec. 3. 36 MRSA §1760, sub-§41, as amended by PL 1987, c. 497, §38, is further amended to read:

41. Certain instrumentalities of interstate or foreign commerce. The sale of a vehicle, railroad rolling stock, aircraft or watercraft ~~which that~~ is placed in use by the purchaser as an instrumentality of interstate or foreign commerce within 30 days after that sale and ~~which that~~ is used by the purchaser not less than 80% of the time for the next 2 years as an instrumentality of interstate or foreign commerce. The State Tax Assessor may for good cause extend for not more than 60 days the time for placing the instrumentality in use in interstate or foreign commerce. For purposes of this subsection, property is "placed in use as an instrumentality of interstate or foreign commerce" by its carrying of, or providing the motive power for the carrying of, a bona fide payload in interstate or foreign commerce, or by being dispatched to a specific location at which it will be loaded upon arrival with, or will be used as motive power for the carrying of, a payload in interstate or foreign commerce. For purposes of this subsection, "bona fide payload" means a cargo of persons or property transported by a contract or common carrier for compensation ~~which that~~ exceeds the direct cost of carrying that cargo or pursuant to a legal obligation to provide service as a public utility or a cargo of property transported in the reasonable conduct of the purchaser's own nontransportation business in interstate commerce.

A. For purposes of the requirement under this subsection that a watercraft be placed in use by the purchaser as an instrumentality of interstate or foreign commerce within 30 days after its sale and not less than 80% of the time for the next 2 years, the 30-day period and the 2-year period

are tolled during any time period in which the watercraft is under construction, not in the physical possession of the purchaser or otherwise incapable of being used by the purchaser to carry a bona fide payload in interstate or foreign commerce. The exemption applies to any components, equipment or materials installed during construction, refitting, renovation, retrofitting, repair or refurbishment of a watercraft. The exemption does not apply to any components, equipment or materials installed after a watercraft has been placed in use in the State by the purchaser as an instrumentality of interstate or foreign commerce. This paragraph is repealed September 1, 2000.

Sec. 4. Application. That section of this Act that amends the Maine Revised Statutes, Title 36, section 1760, subsection 41 applies retroactively to January 1, 1994, but may not be the basis for any refund claim.

Sec. 5. Effective date. That section of this Act that enacts the Maine Revised Statutes, Title 36, section 1760, subsection 23-C takes effect June 30, 2001.

See title page for effective date, unless otherwise indicated.

CHAPTER 760

H.P. 1807 - L.D. 2533

An Act to Amend the Liquor Laws to Create a New Category of License for Pool Halls and Exempt Them from the Prohibition Against Smoking

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

Sec. 1. 28-A MRSA §2, sub-§23-A is enacted to read:

23-A. Pool hall. "Pool hall" means a pool hall or billiard room that contains at least 6 regulation pool tables and generates at least 50% of its gross annual income from the sale of games of pool or the rental of pool tables.

Sec. 2. 28-A MRSA §1004, sub-§3, ¶L-1 is enacted to read:

L-1. Pool halls;

Sec. 3. 28-A MRSA §1005, sub-§3, ¶L-1 is enacted to read:

L-1. Pool halls;