

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1536

S.P. 512

In Senate, May 13, 1987

Submitted by the Department of Finance pursuant to Joint Rule 24.

Reference to the Committee on Taxation suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator SEWALL of Lincoln.

Cosponsored by Representative SEAVEY of Kennebunkport, Senator DOW of Kennebec, Representative NADEAU of Saco.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT Providing for Administrative Changes
in Maine Tax Laws.

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

6 Sec. 1. 4 MRSA §807-A, 4th ¶, as enacted by PL
7 1985, c. 598, §2, is amended to read:

8 This section is repealed on April 1, ~~1988~~ 1989.

9 Sec. 2. 36 MRSA §176, sub-§7, as enacted by PL
10 1985, c. 691, §5, is amended to read:

11 7. Actions permitted. Any person, other than
12 the taxpayer whose delinquency occasioned the levy,
13 who claims that property in which he has a preexist-
14 ing perfected or otherwise valid security interest on

1 **Sec. 10.** 36 MRSA §581-A, as enacted by PL 1973,
2 c. 308, §13, is amended to read:

3 §581-A. Sale of a portion of a parcel of forest land

4 Sale of a portion of a parcel of forest land sub-
5 ject to taxation under this subchapter shall not af-
6 fect the taxation under this subchapter of the re-
7 sulting parcels, unless they are any is less than 10
8 forested acres in area. Each resulting parcel shall
9 be taxed to the owners under this subchapter until
10 such parcel is withdrawn from taxation under this
11 subchapter, in which case the penalties provided for
12 in sections 579 and 581 shall apply only to the owner
13 of such parcel. If a parcel resulting from such sale
14 is less than 10 forested acres in area, such parcel
15 shall be considered as withdrawn from taxation under
16 this subchapter as a result of such sale.

17 **Sec. 11.** 36 MRSA §610-A, as reenacted by PL
18 1983, c. 632, Pt. B, §4, is repealed.

19 **Sec. 12.** 36 MRSA §613, as enacted by PL 1983, c.
20 866, Pt. B, sub-§§2 and 3, is repealed.

21 **Sec. 13.** 36 MRSA §708-A, as enacted by PL 1973,
22 c. 620, §18, is repealed.

23 **Sec. 14.** 36 MRSA §1484, sub-§3, ¶C, as amended
24 by PL 1983, c. 828, §3, is further amended to read:

25 C. If the motor vehicle is owned by a corpora-
26 tion or a partnership, the excise tax shall be
27 paid in the following manner.

28 (1) If it is a corporation or partnership
29 other than one described in subparagraph
30 (2), the excise tax shall be paid to the
31 place in which the registered or main office
32 of that organization is located, except that
33 if the organization has an additional perma-
34 nent place, or places, of business where mo-
35 tor vehicles are customarily kept, the tax
36 on these vehicles shall be paid to the place
37 where such permanent place of business is
38 located. The temporary location of an office
39 and the stationing of vehicles in connection

1 Section 10 clarifies a section of the Maine Tree
2 Growth Tax Law by specifying that sale of a portion
3 of a parcel of classified forest land shall not re-
4 sult in loss of its classification under the law un-
5 less a resulting parcel is less than 10 forest land
6 acres.

7 Section 11 repeals the requirement that the State
8 Tax Assessor annually develop a list of values for
9 watercraft which were formerly taxed as personal
10 property. Since watercraft are now subject to an ex-
11 cise tax and exempt from property tax, this provision
12 is unnecessary.

13 Section 12 repeals the requirement that requires
14 watercraft to display a decal provided owners have
15 paid all personal property taxes on the watercraft.
16 Since watercraft are now subject to an excise tax and
17 exempt from property tax, this provision is unneces-
18 sary.

19 Section 13 repeals a requirement relative to the
20 chief assessor of primary assessing areas to commit
21 taxes by June 30th annually. This requirement does
22 not apply to 487 municipalities which are not primary
23 assessing areas and thus, is inequitable.

24 Section 14 deletes the reference to counties,
25 since they no longer collect excise taxes and adds a
26 provision to the existing excise tax law. Thus, in
27 cases where the State Tax Assessor must resolve a
28 dispute between municipalities concerning proper ex-
29 cise tax situs, any municipality which has improperly
30 received excise tax money would be required to pay it
31 over to the appropriate municipality with interest
32 and corrects the review reference to the Maine Rules
33 of Civil Procedure, Rule 80-C, which is a review of
34 final agency action rather than Rule 80-B, which is a
35 review of governmental action. The determination pro-
36 vided would, in fact, constitute final agency action.
37 Also, this section adds a 3-year limitation for a re-
38 view by the State Tax Assessor. The 3-year period is
39 similar to that provided for supplemental personal
40 property taxes.

41 Section 15 replaces current definition of "rental
42 of automobile on a short-term basis," which actually