



MAINE REVENUE SERVICES SALES, FUEL & SPECIAL TAX DIVISION GENERAL INFORMATION BULLETIN

July 14, 2020

NO. 110

This bulletin contains important information about legislation enacted during the Second Regular Session of the 129th Legislature and other recent developments that affect everyone who reports Maine sales, use, service provider, and other special taxes. **Please read it carefully.** The changes contain a variety of effective dates and apply generally to sales occurring on or after the applicable effective date.

What you will find in this publication:

NEW FEE: Pesticide container fee

SALES TAX:

- ❖ **Amended Statute:** Oxygen delivery equipment excluded from retail sale
- ❖ **New Exemptions:** Nonprofit youth camps
Pet food assistance organizations
Nonprofit community based worldwide charitable organizations

HEALTH CARE PROVIDER TAX: Monthly returns and payments

HOSPITAL TAX: Hospital's taxable year updated

ADDITIONAL RESOURCES

MRS Website www.maine.gov/revenue
Laws and Rules www.maine.gov/revenue/rules/homepage.html
Sales Tax Website www.maine.gov/revenue/salesuse/salestax/salestax.html

For general assistance, call (207) 624-9693, or email sales.tax@maine.gov.

New Fee
PESTICIDE CONTAINER FEE
36 M.R.S. § 4911
EFFECTIVE JUNE 16, 2020

The law imposes a fee of 15¢ on the retail sale of all containers of pesticide products that are registered with the Maine Board of Pesticides Control. Three cents of the container fee may be retained by the retailer to defray costs associated with collecting the fee. The fee is to be reported on the retailer's sales tax return.

The pesticide container fee does not apply to:

- (1) Pesticides sold directly to a pesticide applicator who is licensed under Title 22, section 1471-D; or
- (2) A container of paint, stain, wood preservative or sealant registered as a pesticide by the Board of Pesticides Control.

Licensed pesticide applicators will need to present the Affidavit of Exemption for Purchases of Pesticide Containers Exempt from the Pesticide Container Fee (Form ST-A-128) to retailers in order to claim a purchase is exempt under (1) above. The affidavit is available on the MRS website at this location: <https://www.maine.gov/revenue/forms/sales/PesticideAffidavitSTA128.pdf>.

The fees will be distributed to the University of Maine at Orono to fund the Tick Laboratory and other pest management research and projects. **(PL 2019, c. 548)**

Sales Tax
OXYGEN DELIVERY EQUIPMENT
Retail Sale Exclusion
36 M.R.S. § 1752(11)(B)(15)
RETROACTIVE TO JANUARY 1, 2012

The exclusion from retail sale for the sale of positive airway pressure equipment and supplies for rental for personal use to a person engaged in the business of renting positive airway pressure equipment was amended to include the sale of oxygen delivery equipment, retroactive for sales made on or after January 1, 2012. **(PL 2019, c. 607)**

NONPROFIT YOUTH CAMPS
New Exemption
36 M.R.S. § 1760(103)
EFFECTIVE JUNE 16, 2020

The law provides an exemption from sales tax for purchases made by nonprofit youth camps as defined in Title 22, section 2491, subsection 16 that are licensed by the Department of Health and Human Services and receive an exemption from property tax under Title 36, section 652, subsection 1. **(PL 2019, c. 550)**

PET FOOD ASSISTANCE ORGANIZATIONS

New Exemption
36 M.R.S. § 1760(103)
EFFECTIVE JUNE 16, 2020

The law provides an exemption from sales tax for purchases made by incorporated nonprofit organizations that are organized for the purpose of providing pet food and pet supplies intended for pets at no charge to the owners of those pets. **(PL 2019, c. 551)**

NONPROFIT WORLDWIDE CHARITABLE ORGANIZATIONS

New Exemption
36 M.R.S. § 1760(103)
EFFECTIVE JUNE 16, 2020

The law provides an exemption from sales tax for purchases made by nonprofit community based worldwide charitable organizations that uses private funding to provide financial support to other nonprofit charitable organizations in the community, such as food banks, homeless shelters or domestic violence shelters. **(PL 2019, c. 552)**

Health Care Provider Tax

MONTHLY RETURNS AND PAYMENTS

36 M.R.S. § 2873(1)
EFFECTIVE JUNE 16, 2020

The law requiring the submission of a payment voucher with a health care provider's estimated monthly payment has been repealed. The only return required to be filed is the annual reconciliation return. **(PL 2019, c. 607)**

Hospital Tax

HOSPITAL'S TAXABLE YEAR

36 M.R.S. § 2892
EFFECTIVE JUNE 16, 2020

For state fiscal years beginning on or after July 1, 2019, the hospital's taxable year is the hospital's fiscal year that ended during the calendar year 2016. **(PL 2019, c. 616)**