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An Act To Exempt Fuel Used by Commercial Groundfishing Boats from Sales Tax

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the commercial groundfishing industry in Maine is in dire economic circumstances; and

Whereas, sales taxes on diesel fuel significantly curtail a commercial groundfishing operation's ability to remain profitable and economically viable; and

Whereas, neighboring states provide sales tax exemptions to commercial fishing operations, providing incentives for them to base their operations at ports outside Maine; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 36 MRSA §1752, sub-§1-H is enacted to read:

1-H. Commercial groundfishing boat. "Commercial groundfishing boat" means a boat that is federally permitted to harvest northeast multispecies, operated by a person who holds a commercial fishing license issued by the State and used for harvesting northeast multispecies. As used in this subsection, "northeast multispecies" has the same meaning as in 50 Code of Federal Regulations, Section 648.2 (2006).

Sec. 2. 36 MRSA §1760, sub-§8, ¶D is enacted to read:

D. Diesel internal combustion engine fuel bought and used for the purpose of operating or propelling a commercial groundfishing boat.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill exempts diesel fuel used for the purpose of operating or propelling a commercial groundfishing boat from the sales tax. "Commercial groundfishing boat" is defined as a boat that is licensed to harvest, and used for harvesting, northeast multispecies fish.