



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 859

S.P. 303

In Senate, March 11, 2015

### An Act To Improve Camping Opportunities in Maine

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Reference to the Committee on Taxation suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator COLLINS of York.  
Cosponsored by Representative TURNER of Burlington and  
Senator: CYRWAY of Kennebec, Representatives: BRYANT of Windham, GERRISH of  
Lebanon, HANINGTON of Lincoln, HOBART of Bowdoinham, PARRY of Arundel,  
SCHNECK of Bangor, SHERMAN of Hodgdon.

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

2 **Sec. 1. 23 MRSA §1912-C, sub-§5, ¶C**, as enacted by PL 2013, c. 549, §3, is  
3 amended to read:

4 C. A major recreational area that is a geographic region that is served by a highway  
5 that is classified as an arterial or a major collector. The geographic region must:

6 (1) Contain a beach or lake access that is open to the public, allows swimming  
7 for all ages, provides parking for more than 100 vehicles, has rest rooms on or  
8 adjacent to the beach or lake access and, with respect to a beach, maintains  
9 lifeguards on duty during July and August;

10 (2) Contain a ski area open to the public that:

11 (a) Has a minimum vertical drop of 1,000 feet with 40 or more maintained  
12 trails; or

13 (b) Is within 10 miles of the exit, has a minimum vertical drop of 200 feet  
14 with 10 or more maintained trails and has an aerial lift servicing groomed  
15 trails; or

16 (3) Have generated at least 1% of the State's total sales subject to the taxes under  
17 Title 36, section 1811 on the value of liquor sold in licensed establishments as  
18 defined in Title 28-A, section 2, subsection 15, prepared food and rental of living  
19 quarters in any hotel, rooming house or ~~tourist or trailer camp~~ campground over  
20 the previous 3 years and must offer recreational opportunities of sufficient traffic  
21 significance to warrant signs in accordance with criteria developed by the signing  
22 agency;

23 **Sec. 2. 36 MRSA §1752, sub-§1-I** is enacted to read:

24 **1-I. Campground.** "Campground" has the same meaning as in Title 22, section  
25 2491, subsection 1.

26 **Sec. 3. 36 MRSA §1752, sub-§17-B**, as amended by PL 2013, c. 156, §2, is  
27 further amended to read:

28 **17-B. Taxable service.** "Taxable service" means the rental of living quarters in a  
29 hotel, rooming house or ~~tourist or trailer camp~~ campground; the transmission and  
30 distribution of electricity; the rental or lease of an automobile, a camper trailer, or a motor  
31 home, as defined in Title 29-A, section 101, subsection 40; the rental or lease of a pickup  
32 truck or van with a gross vehicle weight of less than 26,000 pounds from a person  
33 primarily engaged in the business of renting automobiles; the sale of an extended service  
34 contract on an automobile or truck that entitles the purchaser to specific benefits in the  
35 service of the automobile or truck for a specific duration; and the sale of prepaid calling  
36 service.

37 **Sec. 4. 36 MRSA §1752, sub-§19** is repealed.

1           **Sec. 5. 36 MRSA §1752, sub-§20**, as amended by PL 2007, c. 627, §44, is  
2 repealed.

3           **Sec. 6. 36 MRSA §1754-B, sub-§1, ¶F**, as amended by PL 2005, c. 218, §19, is  
4 further amended to read:

5           F. Every person that manages or operates in the regular course of business or on a  
6 casual basis a hotel, rooming house or ~~tourist or trailer camp~~ campground in this State  
7 or that collects or receives rents from a hotel, rooming house or ~~tourist or trailer camp~~  
8 campground in this State;

9           **Sec. 7. 36 MRSA §1760, sub-§20**, as amended by PL 2007, c. 438, §37, is  
10 repealed.

11           **Sec. 8. 36 MRSA §1760, sub-§20-A** is enacted to read:

12           **20-A. Continuous residence; refunds and credits.** Rental charged to any person  
13 who resides continuously for 28 days or more at:

14           A. Any one hotel or rooming house if:

15                   (1) The person does not maintain a primary residence at some other location; or

16                   (2) The person is residing away from that person's primary residence in  
17 connection with employment or education; or

18           B. Any one campground.

19           Tax paid by such a person to the retailer under section 1812 during the initial 28-day  
20 period must be refunded by the retailer. If the tax has been reported and paid to the State  
21 by the retailer, it may be taken as a credit by the retailer on the return filed by the retailer  
22 covering the month in which the refund was made to the tenant.

23           **Sec. 9. 36 MRSA §1760, sub-§96** is enacted to read:

24           **96. Campgrounds.** The rental of a site at a campground as long as nothing else of  
25 value is provided by the owner of the campground to the renter.

26           **Sec. 10. 36 MRSA §1764**, as amended by PL 2013, c. 331, Pt. C, §9, is further  
27 amended to read:

28           **§1764. Tax against certain casual sales**

29           The tax imposed by this Part must be levied upon all casual rentals of living quarters  
30 in a hotel, rooming house, ~~tourist camp or trailer camp~~ or campground and upon all  
31 casual sales involving the sale of trailers, truck campers, motor vehicles, special mobile  
32 equipment, watercraft or aircraft unless the property is sold for resale at retail sale or to a  
33 corporation, partnership, limited liability company or limited liability partnership when  
34 the seller is the owner of 50% or more of the common stock of the corporation or of the  
35 ownership interests in the partnership, limited liability company or limited liability  
36 partnership. This section does not apply to the rental of living quarters rented for a total  
37 of fewer than 15 days in the calendar year, except that a person who owns and offers for

1 rental more than one property in the State during the calendar year is liable for collecting  
2 sales tax with respect to the rental of each unit regardless of the number of days for which  
3 it is rented. For purposes of this section, "special mobile equipment" does not include  
4 farm tractors and lumber harvesting vehicles or loaders.

5 **Sec. 11. 36 MRSA §1811, first ¶**, as repealed and replaced by PL 2013, c. 588,  
6 Pt. E, §11, is amended to read:

7 A tax is imposed on the value of all tangible personal property, products transferred  
8 electronically and taxable services sold at retail in this State. The rate of tax is 7% on the  
9 value of liquor sold in licensed establishments as defined in Title 28-A, section 2,  
10 subsection 15, in accordance with Title 28-A, chapter 43; 7% on the value of rental of  
11 living quarters in any hotel, rooming house or ~~tourist or trailer camp~~ campground; 10%  
12 on the value of rental for a period of less than one year of an automobile, of a pickup  
13 truck or van with a gross vehicle weight of less than 26,000 pounds rented from a person  
14 primarily engaged in the business of renting automobiles or of a loaner vehicle that is  
15 provided other than to a motor vehicle dealer's service customers pursuant to a  
16 manufacturer's or dealer's warranty; 7% on the value of prepared food; and 5% on the  
17 value of all other tangible personal property and taxable services and products transferred  
18 electronically. Notwithstanding the other provisions of this section, from October 1,  
19 2013 to June 30, 2015, the rate of tax is 8% on the value of rental of living quarters in any  
20 hotel, rooming house or tourist or trailer camp; 8% on the value of prepared food; 8% on  
21 the value of liquor sold in licensed establishments as defined in Title 28-A, section 2,  
22 subsection 15, in accordance with Title 28-A, chapter 43; and 5.5% on the value of all  
23 other tangible personal property and taxable services and products transferred  
24 electronically. Value is measured by the sale price, except as otherwise provided. The  
25 value of rental for a period of less than one year of an automobile or of a pickup truck or  
26 van with a gross vehicle weight of less than 26,000 pounds rented from a person  
27 primarily engaged in the business of renting automobiles is the total rental charged to the  
28 lessee and includes, but is not limited to, maintenance and service contracts, drop-off or  
29 pick-up fees, airport surcharges, mileage fees and any separately itemized charges on the  
30 rental agreement to recover the owner's estimated costs of the charges imposed by  
31 government authority for title fees, inspection fees, local excise tax and agent fees on all  
32 vehicles in its rental fleet registered in the State. All fees must be disclosed when an  
33 estimated quote is provided to the lessee.

34 **Sec. 12. Effective date.** This Act takes effect October 1, 2015.

## 35 SUMMARY

36 This bill repeals the definitions of "tourist camp" and "trailer camp" and replaces  
37 those terms with the term "campground" in the Sales and Use Tax Law. This bill  
38 exempts from sales and use tax rental fees charged to a person who resides for 28 days or  
39 longer at one campground. This bill also exempts from the sales and use tax the rental of  
40 a campsite as long as nothing else of value is given by the owner of that campsite to the  
41 renter.