

§2903. Tax levied; rebates

1. Excise tax imposed. An excise tax is imposed on internal combustion engine fuel used or sold in this State, including sales to the State or a political subdivision of the State, at the rate of 30.0¢ per gallon, except that the rate is 3.4¢ per gallon on internal combustion engine fuel bought or used for the purpose of propelling jet or turbojet engine aircraft. Any fuel containing at least 10% internal combustion engine fuel is subject to the tax imposed by this section.

A. [PL 1997, c. 738, §2 (RP).]

B. [PL 1997, c. 738, §2 (RP).]

C. [PL 1997, c. 738, §2 (RP).]
[PL 2019, c. 379, Pt. B, §7 (AMD).]

1-A. Excise tax imposed.

[PL 1993, c. 414, Pt. E, §2 (RP).]

1-B. Inventory tax.

[PL 2001, c. 688, §2 (RP).]

1-C. Inventory tax. On the date that any increase in the rate of tax imposed under this chapter takes effect, an inventory tax is imposed upon all internal combustion engine fuel that is held in inventory by a distributor, importer, wholesaler or retail dealer as of the end of the day prior to that date with respect to which the tax imposed pursuant to subsection 1 has been paid. The inventory tax is computed by multiplying the number of gallons of tax-paid fuel held in inventory by the difference between the tax rate already paid and the new tax rate. Distributors, importers, wholesalers and retail dealers that hold tax-paid inventory shall make payment of the inventory tax on or before the 15th day of the next calendar month, accompanied by a form prescribed and furnished by the State Tax Assessor. In the event of a decrease in the tax rate, the distributor, importer, wholesaler or retail dealer is entitled to a refund or credit, which must be claimed on a form designed and furnished by the assessor. This subsection does not apply to internal combustion engine fuel that is purchased or used for the purpose of propelling jet engine aircraft.

[PL 2009, c. 434, §38 (AMD).]

2. Ethanol blended fuel.

[PL 1997, c. 738, §3 (RP).]

3. Legal incidence of tax. Internal combustion engine fuel may be taxed only once under this section. The tax imposed by this section is declared to be a levy and assessment on the ultimate consumer, and other persons levied and assessed pursuant to this chapter are agents of the State for the collection of the tax. The distributor that first receives the fuel in this State is primarily responsible for paying the tax except when the fuel is sold and delivered to a licensed exporter wholly for exportation from the State or to another licensed distributor in the State, in which case the purchasing distributor is primarily responsible for paying the tax. If a distributor includes the tax on a bill to a customer, it must be shown as a separate line item and identified as "Maine gasoline tax."

[PL 2007, c. 693, §22 (AMD).]

4. Exemptions. The tax imposed by this section does not apply to internal combustion engine fuel:

A. Sold wholly for exportation from this State by a licensed distributor or an exporter; [PL 2009, c. 625, §10 (AMD).]

B. Brought into this State in the ordinary standard equipment fuel tank attached to and forming a part of a motor vehicle and used in the operation of that vehicle in this State; [PL 2007, c. 627, §77 (AMD).]

C. Sold in bulk to any agency of this State or any political subdivision of this State; [PL 2005, c. 457, Pt. AAA, §1 (AMD).]

D. Bought or used to propel a jet engine aircraft in international flights. For purposes of this paragraph, fuel is bought or used to propel a jet engine aircraft in an international flight if either the point of origin of the flight leg immediately preceding the delivery of the fuel into the fuel tanks of the jet engine aircraft or the destination point of the flight leg immediately following the delivery of the fuel into the fuel tanks of the jet engine aircraft is outside the United States; [PL 2009, c. 434, §39 (AMD); PL 2009, c. 434, §84 (AFF).]

E. Brought into this State in the fuel tanks of an aircraft; or [PL 1997, c. 738, §4 (NEW).]

F. On which the collection of the tax imposed by this section is precluded by federal law or regulation. [PL 1997, c. 738, §4 (NEW).]

[PL 2009, c. 625, §10 (AMD).]

5. Delivery by distributor. When internal combustion engine fuel is delivered by a distributor to a retail outlet it is deemed to have been sold within the meaning of this chapter, even if the retail outlet is owned in whole or in part by the distributor.

[PL 2007, c. 438, §65 (NEW).]

REVISOR'S NOTE: (Subsection 5 as amended by PL 2007, c. 538, Pt. L, §1 is REALLOCATED TO TITLE 36, SECTION 2903, SUBSECTION 6)

6. (REALLOCATED FROM T. 36, §2903, sub-§5) Deposit to trust fund. Beginning July 1, 2009 and ending June 30, 2023, the Treasurer of State shall deposit monthly into the TransCap Trust Fund established in Title 30-A, section 6006-G 7.5% of the excise tax after the distribution of taxes pursuant to section 2903-D imposed under subsection 1. Beginning July 1, 2023, the Treasurer of State shall deposit monthly into the TransCap Trust Fund established in Title 30-A, section 6006-G 10.25% of the excise tax after the distribution of taxes pursuant to section 2903-D imposed under subsection 1. [PL 2023, c. 189, Pt. G, §1 (AMD).]

SECTION HISTORY

PL 1965, c. 395, §1 (AMD). PL 1967, c. 94, §5 (AMD). PL 1967, c. 494, §27 (AMD). PL 1969, c. 223, §2 (AMD). PL 1969, c. 426, §§1,3 (AMD). PL 1971, c. 529, §1 (AMD). PL 1977, c. 572, §2 (AMD). PL 1981, c. 702, §V2 (AMD). PL 1983, c. 94, §C10 (AMD). PL 1983, c. 95 (AMD). PL 1983, c. 96 (AMD). PL 1983, c. 438, §1 (RPR). PL 1983, c. 852, §4 (RPR). PL 1987, c. 793, §§A9,B1 (AMD). PL 1987, c. 798, §2 (AMD). PL 1989, c. 502, §A133 (AMD). PL 1991, c. 529, §§D2,3 (AMD). PL 1991, c. 529, §§D14,15,E (AFF). PL 1991, c. 546, §25 (AMD). PL 1991, c. 546, §42 (AFF). PL 1991, c. 592, §§D2,3 (AMD). PL 1991, c. 592, §§D14,15 (AFF). PL 1991, c. 824, §§A94,95 (AFF). PL 1991, c. 846, §§31-33 (AMD). PL 1991, c. 846, §40 (AFF). PL 1993, c. 414, §§E1,2 (AMD). PL 1997, c. 738, §§2-4 (AMD). PL 1999, c. 473, §§B1,2 (AMD). PL 1999, c. 473, §B5 (AFF). PL 2001, c. 688, §§1-3 (AMD). PL 2003, c. 588, §12 (AMD). PL 2005, c. 457, §AAA1 (AMD). RR 2007, c. 2, §21 (RAL). PL 2007, c. 407, §1 (AMD). PL 2007, c. 438, §65 (AMD). PL 2007, c. 470, Pt. E, §1 (AMD). PL 2007, c. 538, Pt. L, §1 (AMD). PL 2007, c. 627, §§77, 78 (AMD). PL 2007, c. 693, §22 (AMD). PL 2009, c. 413, Pt. W, §1 (AMD). PL 2009, c. 413, Pt. W, §6 (AFF). PL 2009, c. 434, §§38, 39 (AMD). PL 2009, c. 434, §84 (AFF). PL 2009, c. 625, §10 (AMD). PL 2011, c. 240, §24 (AMD). PL 2019, c. 379, Pt. B, §7 (AMD). PL 2023, c. 189, Pt. G, §1 (AMD).

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