

SENATE No. 2070

The Commonwealth of Massachusetts

SENATE, October 24, 1989.

The committee on Ways and Means, to whom was referred the petition (accompanied by bill, Senate, No. 1522) of William Q. MacLean, Jr., for legislation to limit the sales tax exemption for certain vessels; reports the accompanying bill (Senate, No. 2070).

For the committee,

WILLIAM Q. MACLEAN, JR.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Nine.

AN ACT LIMITING THE SALES TAX EXEMPTION FOR CERTAIN VESSELS.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is to limit the sales tax exemption for
3 certain vessels, therefore it is hereby declared to be an emergency
4 law, necessary for the immediate preservation of the public
5 convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 6 of chapter 64H of the General Laws
2 if hereby amended by striking out paragraph (o), as appearing in
3 the 1988 Official Edition, and inserting in place thereof the
4 following: —

5 (o) Sales of vessels or barges of fifty net tons or over used
6 exclusively for commercial purposes; sales of fuel or substitute
7 therefor, supplies and repairs to vessels and barges engaged in
8 foreign and interstate commerce; and sales of vessels used directly
9 and exclusively in commercial fishing, machinery and equipment
10 therefor and replacement parts for such vessels, machinery and
11 equipment.

1 SECTION 2. Section 7 of Chapter 64I of the General Laws is
2 hereby amended by striking out paragraph (b), as so appearing,
3 and inserting in place thereof the following:

4 (b) Sales exempt from the taxes imposed under chapter sixty-
5 four H; provided, however, that in the case of the purchase of
6 any motor vehicle or trailer, as defined in section one of chapter
7 ninety, or any boat or airplane, other than from a vendor who
8 is regularly engaged in the business of making sales at retail of
9 such motor vehicles, trailers, boats, or airplanes, the receipts from
10 which are exempt from said taxes solely because of the provisions
11 of paragraph (c) of section six of said chapter sixty-four H, the

12 purchaser thereof, except when said purchaser is the spouse,
13 mother, father, brother, sister, or child of the seller, shall pay the
14 tax imposed by this chapter.

1 SECTION 3. Sections 1 and 2 of this act shall apply to all sales
2 made on or after the effective date of this act and to all sales of
3 vessels or barges of fifty net tons or over used exclusively for
4 commercial purposes, made on or after January first, nineteen
5 hundred and eighty-three and prior to the effective date of this
6 act by vendors who are not regularly engaged in the business of
7 making sales at retail of such vessels or barges. Notwithstanding
8 the provisions of chapter sixty-two C of the General Laws, the
9 commissioner of revenue may waive or abate sales and use taxes,
10 and interest or penalty charges thereon, on such sales made on
11 or after January first, nineteen hundred and eighty-three and prior
12 to the effective date of this act. Application for abatement of such
13 taxes, interest and penalties may be filed, in addition to the time
14 periods provided under section thirty-seven of said chapter sixty-
15 two C, on or before July thirty-first, nineteen hundred and ninety.
16 The authority granted under this section to waive or abate taxes,
17 interest and penalty charges shall terminate on December thirty-
18 first, nineteen hundred and ninety.

