

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
FIRST REGULAR SESSION
SENATE ADVANCED JOURNAL AND CALENDAR**

Wednesday, June 21, 2017

SUPPLEMENT NO. 2

COMMUNICATIONS

(2-1) The Following Communication:

S.C. 542

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

20 June 2017

The 128th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1384, "An Act To Amend the Election Laws."

This bill would allow municipalities to charge political parties rental and cleaning fees if the parties hold caucuses in public buildings. The bill provides no limit to the amounts municipalities would be able to charge. I firmly believe that caucuses are vital to our political process, and they should not be subject to local fees.

What this bill really proposes is a tax on the political process to be levied by municipal officials. In a landmark Supreme Court case in which it was held that a state cannot tax instruments of the federal government, Chief Justice Marshall wrote that the power to tax is the power to destroy. I think the same principle applies to this bill. Localities should not be given the authority to hinder the political process that is so central to our system of government. Public buildings should be open to the public generally, and they should definitely not be used as a way for municipalities to tax the political process.

For this reason, I return LD 1384 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-2) The accompanying Bill "An Act To Amend the Election Laws"

S.P. 471 L.D. 1384

(2-3) The Following Communication:

S.C. 543

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

20 June 2017

The 128th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 128th Legislature,

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1405, “An Act To Require Remote Sellers To Collect and Remit Sales and Use Tax on Sales into Maine.”

It has long been my view that Maine retailers can compete and win against even the very best out-of-state companies, provided they are competing on an equal playing field.

In 2013, I signed into law LD 346, “An Act Concerning the Collection of Sales Tax by Any Businesses Making Sales to Persons in Maine.” This law requires companies that have affiliate programs to register and collect Maine sales tax on sales to Maine customers. In response to its passage, a number of retailers deliberately ended their affiliate programs with Maine residents and businesses to avoid collecting our sales tax. I am concerned that allowing LD 1405 to go into law will similarly cause small online retailers to cease selling their products to residents of the State of Maine.

Additionally, this legislation positions Maine in conflict with the U.S. Supreme Court’s ruling in *Quill Corp. v. North Dakota*, 504 U.S. 298 (1992), which prohibits states from imposing a sales tax collection duty on retailers who have no physical presence within their borders. While I believe this decision should be overturned, I consider it unwise for Maine to become a national outlier and needlessly expose the state to litigation.

The establishment of nexus for the purpose of sales tax collection is a complex issue that requires a comprehensive approach. That is why I have supported the federal Marketplace Fairness Act and urged Maine’s congressional delegation to support its passage. This legislation would enable state governments to collect sales taxes and use taxes from remote retailers with no physical presence in their state.

For these reasons, I return LD 1405 unsigned and vetoed. I encourage the Legislature to join me in calling for a federal solution to this national problem and urge you to sustain my veto.

Sincerely,

S/Paul R. LePage
Governor

(2-4) The accompanying Bill "An Act To Require Remote Sellers To Collect and Remit Sales and Use Tax on Sales into Maine and To Provide Retailers a Collection Allowance"
S.P. 483 L.D. 1405
