

TAXATION COMMITTEE

MLS 2/24/2021 10:46 AM

130th LEGISLATURE

1st REG SESSION

LD	LR	PH	WS	SPONSOR	TITLE	SUMMARY (Summaries may not reflect content of most recent committee action)	COMM ACTION	FISCAL IMPACT ¹	
								FY22	FY23
23	175			Pouliot	An Act To Reinstate and Increase the Income Tax Deduction for Contributions to Education Savings Plans	This bill reinstates and increases the income tax deduction for contributions to so-called Section 529 education savings plans, providing a deduction up to \$1,000 per designated beneficiary. A deduction up to \$250 was in effect from 2007 to 2015.			
80	88	2/9	2/18	McCrea	An Act To Provide Critical Communications for Family Farms, Businesses and Residences by Strategic Public Investment in High-speed Internet and broadband Infrastructure (Emergency)	<p>This <u>emergency</u> bill requires:</p> <ol style="list-style-type: none"> 1. Beginning with sales occurring on or after 6/1/21 2. 33% of sales and use tax revenue collected by the State Tax Assessor from marketplace facilitators, with respect to marketplace-facilitated sales, after required transfers to other funds, be transferred monthly to the ConnectMaine Authority 3. Must be used to further deployment of high-speed Internet and broadband infrastructure to unserved and underserved areas of the State. 4. Takes effect when approved. <p>Questions raised at PH:</p> <ol style="list-style-type: none"> 1. Can Maine expect federal \$\$ to support broadband? 2. Is there \$\$ in biennial budget for broadband? 3. Is there federal COVID \$\$ for broadband? 	tabled	<p>MRS preliminary estimate of revenue transfer \$15 to \$20 million per fiscal year beginning in FY 22</p> <p>MRS indicates additional administrative expenses to identify "facilitated sales"</p>	
86	86	2/9	2/18	McCrea	An Act To Make Sales to Area Agencies on Aging Tax-exempt	<p>This bill provides an exemption from the sales and use tax to:</p> <ol style="list-style-type: none"> 1. Area agencies on aging, as designated by the DHHS, and 2. Public and private nonprofit agencies that are operating under grants provided by DHHS and that provide social services in order to secure and maintain maximum independence and dignity in a 	OTPA fno	(\$25,650)	(\$62,700)

¹ . Numbers may represent preliminary estimates and are subject to change. For more detail, please see fiscal note documents in LD file.

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						home environment for older people capable of self-care with appropriate supportive services. Same bill (LD 726) was introduced in 129th Legislature; unanimous OTPA from TAX; died in Appropriations Table at end of 129th , 2d Regular Session.			
94	253			Doudera	An Act To Allow Municipalities to Exempt Volunteer Firefighters from Paying Excise Tax on Their Vehicles Used To Respond to Fire Calls	This bill authorizes municipalities to adopt an ordinance extending a vehicle excise tax exemption to volunteer firefighters.			
136	705			Hanley	An Act To Increase the Maximum Pension Deduction for State Income Tax	This bill increases the maximum annual income tax pension deduction amount for nonmilitary retirement pensions from \$10,000 to \$35,000 over a 5-year period beginning with the 2021 tax year. The \$35,000 pension deduction amount that applies after the 2025 tax year is subject to an annual inflation adjustment.			
140	320	2/9	2/18	Dillingham	An Act To Assist Certain Businesses in the State That Sell Prepared Food or Alcohol	This bill permits retailers selling prepared food or liquor sold by establishments licensed for on-premises sales and taxed at 8% to retain 1/8 of the sales tax collected on those sales to cover administrative expenses. MRS has several policy and technical concern	ONTP/ OTPA	(\$11,371,500)	(\$33,444,750)
141	111			Terry	An Act To Make Technical Changes to the Tax Laws	This bill makes technical changes to the tax laws. For changes to the income tax law, Part A: 1. Authorizes the Department of Administrative and Financial Services, Maine Revenue Services to disclose information to the Finance Authority of Maine necessary for the administration of the seed capital investment tax credit in the Maine Revised Statutes, Title 36, section 5216-B. The authority is responsible for certifying investments that are eligible for the credit; 2. Amends Title 36. section 5164, subsection 2, a provision of the Maine fiduciary income tax law, to incorporate gender-neutral terms, delete a duplicate word and make other technical textual changes; 3. Repeals the additional tax on lump-sum retirement plan distributions, which does not apply to tax years beginning after 2012; 4. Repeals the additional tax on early distributions from qualified retirement plans, which does not apply to tax years beginning after 2012;			

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						<p>5. Clarifies that, for both the tax imposed on insurance companies pursuant to Title 36, chapter 357 and on persons pursuant to Title 36, Part 8, for purposes of the employer credit for family and medical leave, "employees based in the State" means employees that perform more than 50% of employee-related activities for the employer at a location in Maine. This change reflects administrative practice since implementation of the credit;</p> <p>6. Clarifies that a nonresident estate or trust that does not have Maine taxable income or a Maine income tax liability must nonetheless file a Maine income tax return if the estate or trust has distributable net income derived from or connected with sources in Maine and gross income of \$10,000 or more. This change reflects long-standing administrative practice; and</p> <p>7. Amends Title 36, sections 5221 and 5228 to incorporate gender-neutral terms.</p> <p>For changes to the sales tax law, Part B</p> <p>1. Amends the diabetic supplies exemption to require use by the purchaser;</p> <p>2. Includes in Title 36 the effective date of 3 sales tax exemptions enacted in the First Regular Session of the 129th Legislature that did not take effect until after the adjournment of the Second Regular Session of the 129th Legislature and repeals conflicting public law provisions;</p> <p>3. Clarifies the exemptions for nonprofit worldwide charitable organization; and</p> <p>4. Removes the Mayo Regional Hospital in Dover-Foxcroft from the hospital tax definition of "municipally funded hospital."</p> <p>For changes to the property tax law, Part C:</p> <p>1. Clarifies that the local assessor qualifying examination and individual examination results are confidential and thus not producible under a Freedom of Access Act request;</p> <p>2. Clarifies that enhanced business equipment tax exemption reimbursement only applies to tax increment financing exempt business equipment when the reimbursement is used to fund a tax increment financing development program.</p> <p>For general changes to tax law, Part D:</p>			

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						<p>1. Updates Title 36, section 173, concerning collection by warrant, to clarify the intent and make technical changes; and</p> <p>2. Repeals a provision that required the joint standing committee of the Legislature having jurisdiction over taxation matters to report out a bill permanently eliminating corporate tax expenditures totaling \$6,000,000 per biennium by February 6, 2016.</p>			
146	110	2/23		Terry	Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory	This resolve authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory that were acquired by the State because of nonpayment of property tax.			
147	109			Terry	An Act To Update References to the United States Internal Revenue Code of 1986 Contained in the Maine Revised Statutes and Amend Income Tax Modifications and the Maine Capital Investments Tax Credit	<p>The bill does the following. Part A updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to refer to the United States Internal Revenue Code of 1986 as amended through December 31, 2020, for tax years beginning on or after January 1, 2018 and for any prior tax year as specifically provided by the United States Internal Revenue Code of 1986, as amended.</p> <p>Part B requires an addition modification for taxable income for income tax purposes for federal excess business losses allowed to noncorporate taxpayers pursuant to the Coronavirus Aid, Relief, and Economic Security Act, or "CARES Act," for taxable years beginning after December 31, 2017 and before January 1, 2021 and a subtraction modification for the carry-over of this amount in future years. Part C requires an addition modification for taxable income for income tax purposes of the federal business interest deduction that exceeds 30% of adjusted taxable income pursuant to the CARES Act for taxable years beginning on or after January 1, 2019 and before January 1, 2021 and a subtraction modification for the carry-over of this amount in tax years beginning on or after January 1, 2021. Part D excludes qualified improvement property placed in service after December 31, 2017 and prior to January 1, 2020 from the Maine capital investment income tax credit. Part E requires an addition modification for taxable income for income tax purposes for the additional charitable contribution deduction allowed to corporations pursuant to the CARES Act for</p>			

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						taxable years beginning after January 1, 2019 and before January 1, 2020 and a subtraction modification for the carry-over of this amount in future years. Part F updates and simplifies Maine income tax law by conforming the Maine income tax with the federal net operating loss limitation, generally known as "the 80% taxable income limitation," and the CARES Act suspension of the limitation. This Part and Maine's conformity to the CARES Act net operating loss limitation suspension in Part A apply retroactively to tax years beginning on or after January 1, 2018. Under Part F, the 80% taxable income limitation applies to tax years beginning after 2020. Part G expands the addition modification for the amount of the global intangible low taxed income deduction. For tax years beginning on or after January 1, 2020, the modification is for the total amount of the foreign-derived intangible income and global intangible low-taxed income deduction claimed in accordance with the Internal Revenue Code, Section 250(a).			
168	538	2/16		Guerin	An Act To Provide a Tax Break for Businesses That Employ People with Disabilities	CONCEPT DRAFT: This bill proposes to provide a payroll tax cut for businesses that employ people with disabilities.			
179	30	2/23		Kessler	An Act To Exclude Energy Efficiency Improvements from Property Tax	This bill: 1. Provides property tax exemptions for energy efficiency improvements and 2. Requires the Efficiency Maine Trust (EMT) to identify and make available and list such improvements. 3. "Energy efficiency improvements" are improvements that A. meet or exceed federal "Energy Star" standards or similar EMT standards; or B. Involve weatherization in a manner approved by EMT			
188	642	2/23		Jackson	An Act Regarding the Transportation of Products in the Forest Products Industry	This bill 1. Requires that owners and managers of log yards and mill sites present a copy of a trip ticket to a forest ranger in the log yard or mill site upon request. 2. Adds a requirement related to the transportation of forest products by providing that a landowner of			

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						<p>50,000 or more acres of forest land in the State may not allow the transportation of forest products harvested on the landowner's land from a location in the State to another location in the State in violation of federal law or regulation or an international trade agreement that prohibits the transportation of goods from a location in the United States to another location in the United States. (cabotage)</p> <p>3. Provides that a landowner with 2 prior violations of the new transportation requirement is ineligible for classification of the landowner's land under the Maine Tree Growth Tax Law, and</p> <p>4. Provides that the landowner may not receive BETE, BETR, income tax credits or state grants or other state funding.</p> <p>Similar bill (LD 2061) presented in 129th R2 but was not reported out of committee before adjournment and died at end of session.</p>			
191	395			Bailey	An Act To Permit Municipalities To Provide Assistance to Veterans in Paying Property Taxes	This bill authorizes municipalities to adopt a program that provides benefits to veterans and their eligible family members who own or rent a homestead in the municipality. The benefit for owners is based on the impact of property tax equalization on the amount received as a property tax exemption compared to the amount that would have applied if no equalization was applied. The benefit for renters is \$100.			
198	717	2/23		Chipman	An Act To Improve Maine's Tax Laws by Providing a Property Tax Exemption for Central Labor Council	<p>This bill provides a <u>property tax exemption</u> for real estate and personal property owned and occupied or used solely for their own purposes by <u>central labor councils</u>.</p> <p>The same language (LD 989) was reported out of TAX Committee during the 129th R2 and died on the Appropriations Table at the end of the 129th Legislature.</p>			
201	780	2/16		Libby	An Act To Reduce Greenhouse Gas Emissions and Promote Weatherization in the Buildings Sector by Extending the Sunset Date for the	This bill extends <u>the income tax credit for rehabilitation of historic properties</u> by amending the definition of "certified qualified rehabilitation expenditure" to <u>extend from 12/31/25 to 12/31/40</u> the date by which the proposed rehabilitation of a structure <u>meets standards</u>			

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					Historic Property Rehabilitation Tax Credit	<u>for rehabilitation established by the National Park Service.</u>			
217	315	2/16		Fecteau	An Act To Make Contributions Made To Pay Off School Meal Debt Tax-deductible	This bill provides an <u>income tax deduction</u> for: 1. An individual or a corporation that makes a <u>contribution to a public or nonprofit private elementary or secondary school</u> 2. To cover <u>student school meal debt</u> The deduction is <u>NOT</u> allowed if the person making the contribution is the <u>parent</u> of a student or a <u>person otherwise obligated</u> to cover the costs of a student			
229	435			Farrin	An Act To Increase Investment Caps in the Maine Seed Capital Tax Credit Program	This bill increases the annual cap on eligible investment in any one business eligible for the seed capital tax credit from \$2,000,000 to \$3,000,000 and the aggregate cap on eligible investment in any one eligible business from \$3,500,000 to \$6,000,000.			
241	1198	2/16		Curry	An Act To Support the Trades through a Tax Credit for Apprenticeship Programs	This bill provides: 1. <u>income tax credit</u> 2. <u>up to \$2,500</u> 3. for an <u>employer employing an apprentice participating</u> in an apprenticeship program registered by the Maine Apprenticeship Program administered by the Maine Department of Labor.			
262	658	2/16		Roberts	An Act To Combat Hunger by Creating a Tax Credit of 10 Percent of Wholesale Market Prices up to \$5,000 Annually for Businesses Engaged in Food Production for Donations of Food to Tax-exempt Organizations –	This bill provides an <u>income tax credit</u> for donations: 1. Of agricultural <u>products</u> , aquacultural products or fishing products 2. By persons engaged in commercial agricultural <u>production</u> , commercial aquacultural production or commercial fishing 3. To a <u>food bank, food kitchen or other tax exempt organization that provides food to low-income individuals without charging a fee for the food or requiring any other type of compensation</u> from the low-income individuals. The credit is equal to 10% of the wholesale market price of the donated products up to a maximum credit of \$5,000.			

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276	371			Berry	An Act To Improve and Update Maine's Tax Laws	Concept draft to improve and update tax laws.			
288	551			Dill	An Act To Conform the Maine Income Tax Law with Federal Law To Exempt Paycheck Protection Program Loans from Being Considered Taxable Income	This bill conforms Maine tax law to federal income tax treatment of loan forgiveness under Section 1106(i) of the federal Coronavirus Aid, Relief, and Economic Security Act, Public Law 116-136, by providing an income tax exclusion for income attributable to paycheck protection program loan forgiveness that is excluded from federal gross income.			
290	346			Stewart	An Act To Stabilize Property Taxes for Individuals 65 Years of Age or Older Who Own a Homestead for at Least 10 Years	This bill requires a municipality to maintain the property tax on the homestead of a permanent resident who is at least 65 years of age at the amount billed in the year prior to an application for stabilization. The amount by which the property tax assessed exceeds the stabilized amount must be paid to the municipality by the State. If an eligible individual moves to a different municipality, the stabilized property tax amount continues at the new location. An applicant for stabilization must be a permanent resident of the State and must have owned a homestead for at least 10 years. An application for stabilization must be made each year to continue eligibility.			
296	206			Cloutier	An Act To Provide a Tax Credit for Family Caregivers	This bill expands the role of the Department of Health and Human Services with respect to the Respite Care Fund to include services for family caregivers. It provides a refundable income tax credit of \$2,000 for certified family caregivers and permits eligible family caregivers to choose to receive services or a tax credit. It requires the department, by routine technical rulemaking, to prescribe the details of eligibility for family caregiver services and the tax credit within the context of the Respite Care Fund and the National Family Caregiver Support Program. The bill requires the department to establish a stakeholder group to assist in carrying out the purposes of the family caregiver program, evaluating the effect of the program and assisting with the compilation of an annual report. The bill requires that revenue losses to the General Fund attributable to the family caregiver income tax credit be reimbursed from the Respite Care Fund and provides that aggregate expenditures under the Respite Care Fund may not exceed \$5,000,000 annually excluding existing funds and federal revenue.			

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308	849			Stewart	An Act To Promote Research and Development in the State by Increasing and Marketing the Research Expense Tax Credit	This bill increases the research expense tax credit by doubling the expenditures eligible for the credit and the maximum amount of the credit that may be claimed. The bill also provides ongoing funds of \$100,000 per year beginning in fiscal year 2021-22 to the Department of Economic and Community Development to advertise and market the research expense tax credit.			
328	711			Harnett	An Act To Fully Fund and Restore State-Municipal Revenue Sharing	This bill increases state-municipal revenue sharing to 5% from 3.75% in the final 6 months of fiscal year 2020-21. Current law restores state-municipal revenue sharing to 5% beginning in fiscal year 2021-22.			
351	1552	2/23		Foster	An Act Regarding Municipal Valuation and State-owned Property	This bill changes the property tax exemption for state-owned property by <u>requiring the State to pay municipal property taxes on the state-owned property in a municipality that exceeds 10% of the total valuation of taxable property in the municipality.</u> Begins with 4/1/22 property tax status			
392	1798			Terry	An Act To Amend the Tax Laws	This bill is a concept draft pursuant to Joint Rule 208. This bill would amend the tax laws.			
401	446			Underwood	An Act To Provide a Sales and Use Tax Exemption for Certain Nonprofit Cemeteries	This bill creates a sales and use tax exemption for an incorporated nonprofit cemetery that is exempt from federal income tax under the United States Internal Revenue Code of 1986.			
403	622			Madigan	An Act To Assist Service Center Communities by Adjusting State-Municipal Revenue Sharing	This bill, for fiscal years 2021-22 and 2022-23, sets the percentage of state-municipal revenue sharing at 4.25%, which is one-half of a percentage point above the amount proposed in the Governor's 2021-2022 budget.			
409	1054			Riseman	An Act To Provide Funding To Restore Fully State-Municipal Revenue Sharing	This bill increases state-municipal revenue sharing to 5% from 3.75% in the final 6 months of fiscal year 2020-21. Current law restores state-municipal revenue sharing to 5% beginning in fiscal year 2021-22.			
412	606			Carlow	An Act To Authorize the Use of Tax Increment Financing Funds for Constructing or Renovating Municipal Offices and Other Buildings	This bill permits revenue from tax increment financing districts to be used for the construction or renovation of municipal offices or other buildings and limits the revenue that may be used to \$1,000,000 during a 20-year period for any one tax increment financing district. The bill also corrects a conflict in the Maine Revised Statutes, Title 30-A, section 5225, subsection 1, paragraph C, which was amended by Public Law 2019, chapter 604 and chapter 625, by incorporating the changes made by both laws.			

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418	782			Williams	An Act To Create a Graduated Real Estate Transfer Tax	This bill decreases the rate of the real estate transfer tax on the first \$150,000 of value of a primary residence to \$1.50 for each \$500 or fractional part of \$500 of the value and increases the tax rate on the value of a primary residence exceeding \$150,000 and on all other property to \$2.50 for each \$500 or fractional part of \$500 of the value.			
428	1634			Tepler	An Act To Prevent Tax Haven Abuse	This bill requires corporations that file unitary income tax returns in Maine to include income from certain jurisdictions outside the United States in net income when apportioning income among tax jurisdictions. The State Tax Assessor is required to adopt major substantive rules to determine the income or loss attributable to such corporations and to prevent double taxation or deduction of income. The assessor is required to submit an annual report to the joint standing committee of the Legislature having jurisdiction over taxation matters regarding whether jurisdictions should be added to or deleted from the list of tax havens based on specified criteria.			
435	1319			Picket	An Act To Provide a Sales and Use Tax Exemption for Certain Educational Collaboratives	This bill provides a sales and use tax exemption for an incorporated nonprofit collaborative whose members are regional school units and that is organized to assist those units with professional development opportunities and services.			
470	516			Davis	An Act To Allow a Veteran Who Was Member of the Military Reserves or Served in the National Guard To Qualify for the Veterans' Property Tax Exemption	This bill provides that persons who served on active duty in the National Guard or the Reserves of the United States Armed Forces are considered veterans eligible for veterans' property tax exemptions.			
484	1853			Chipman	An Act To Change Maine's Tax Laws	This bill is a concept draft pursuant to Joint Rule 208. This bill would make specific changes to the laws governing taxation that are within the jurisdiction of the Joint Standing Committee on Taxation.			
495	1267			Osher	An Act To Improve Income Tax Progressivity by Establishing New Top Individual Income Tax Rates	This bill increases the tax rate on the current top bracket under the individual income tax from 7.15% to 8.35% and adds a new bracket of 11.15% on taxable income exceeding \$100,000 for single individuals and married persons filing separately, \$150,000 for heads of household and \$200,000 for individuals filing married joint returns or surviving spouses.			

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498	903			Sylvester	An Act To Reauthorize a 3 Percent Tax on Income over \$200,000 To Lift All Maine Workers out of Poverty	This bill imposes an income tax surcharge on taxable income exceeding \$200,000 and increases the Maine earned income tax credit to equal the federal earned income tax credit.			
501	1123			Brooks	An Act To Amend Maine's Corporate Income Tax by Increasing the Top Rate from 8.93 Percent to 12.4 Percent	This bill increases the income tax rate on corporations in the top income tax bracket from 8.93% to 12.4% for tax years beginning on or after January 1, 2022.			
506	442			Berry	An Act To Reduce the Tax Burden on Low-income Electricity Customers	This bill exempts from sales tax all electricity consumed by residential customers participating in either a low-income assistance program or arrearage management program approved by the Public Utilities Commission. This exemption maximizes the value of the benefit from the subsidies provided to participants in these programs.			
527	1171			Vitelli	An Act To Exempt MaineCare Appendix C Private Nonmedical Institutions from the Service Provider Tax	This bill exempts from the service provider tax so-called MaineCare Appendix C private nonmedical institutions, which are residential care facilities maintained wholly or partly for the purpose of providing residents with medical and remedial services. The service provider tax continues to apply to private nonmedical institution services that are provided by MaineCare Appendix B, D, E or F private nonmedical institutions.			
532	1790			Baldacci	An Act To Lower Income Taxes for Middle-income Families in Maine	This bill provides a credit to reduce income taxes by 10% for individuals filing as single individuals and married persons filing separately with taxable income under \$60,000, heads of households with taxable income under \$90,000 and individuals filing married joint returns and surviving spouses with taxable income under \$120,000. The bill also provides an additional income tax bracket with a tax rate of 7.95% for individuals filing as single individuals and married persons filing separately with taxable income exceeding \$200,000, heads of households with taxable income exceeding \$300,000 and individuals filing married joint returns and surviving spouses with taxable income exceeding \$400,000.			
534	1848			Chipman	An Act To Allow Tax Abatements for Catastrophic Loss	This bill allows municipal assessors, or the State Tax Assessor for property in the unorganized territory,			

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						to abate the property taxes of real property that, due to destruction by flood, fire, explosion or natural disaster, suffers at least a 50% decrease in just value to improvements on that real property.			
538	996			Miramant	An Act To Exempt Trailers Sold to Out-of-state Entities from Sales and Use Tax	This bill provides an exemption from the sales and use tax for trailers that are purchased in the State but then driven or transported outside the State immediately upon delivery. The exemption excludes camper trailers, which are included in the definition of "trailer," since a similar exemption already exists for camper trailers, other than those that are being leased for a period of less than one year.			
570	550			Berry	An Act To Provide for Fairness in the Taxation of Extraordinary and Unearned Income by Establishing a 3 Percent Surcharge on Net Capital Gains and Dividends Income over \$250,000 for Taxpayers Filing Single or Married Separate Returns and over \$500,000 for Taxpayers Filing Joint Returns	This bill imposes an income tax surcharge on the portion of a taxpayer's taxable income that exceeds the lesser of the taxpayer's taxable income from net capital gains and dividends and the amount by which the taxpayer's taxable income exceeds \$250,000 for persons filing returns as single individuals or married individuals filing separately, \$375,000 for persons filing returns as heads of households or \$500,000 for persons filing married joint returns or as surviving spouses.			
576	1224			Jackson	An Act To Increase Property Tax Relief for Veterans	This bill increases to \$10,000, beginning on or after April 1, 2022, the property tax exemption for all categories of eligible veterans other than paraplegic veterans receiving a \$50,000 exemption for specially adapted housing units. It also expands the dates of federally recognized war periods to include February 1, 1955 to February 27, 1961. State reimbursement is provided for 100% of the property tax revenue loss to municipalities as a result of the increase and expansion of exemptions.			