

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2020

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Legislative Document

No. 2008

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H.P. 1429

House of Representatives, January 14, 2020

### An Act Making Technical Changes to the Maine Tax Laws

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Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 203.

Reference to the Committee on Taxation suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative TIPPING of Orono.

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

2 **PART A**

3 **Sec. A-1. 30-A MRSA §5227, sub-§3, ¶D**, as amended by PL 2011, c. 101, §20,  
4 is further amended to read:

5 D. Annually return to the municipal or plantation general fund any tax increment  
6 revenues remaining in the development sinking fund account established under  
7 paragraph A in excess of those estimated to be required to satisfy the obligations of  
8 the development sinking fund account after taking into account any transfers made  
9 under paragraph C. The municipality or plantation, at any time ~~during the term of the~~  
10 ~~district~~, by vote of the municipal or plantation officers, may return to the municipal or  
11 plantation general fund any tax increment revenues remaining in the project cost  
12 account established under paragraph A in excess of those estimated to be required to  
13 satisfy the obligations of the development project cost account after taking into  
14 account any transfer made under paragraph C. In either case, the corresponding  
15 amount of local valuation may not be included as part of the captured assessed value  
16 as specified by the municipality or plantation.

17 **Sec. A-2. 30-A MRSA §5250-A, sub-§3, ¶D**, as enacted by PL 2003, c. 426, §1,  
18 is amended to read:

19 D. Annually return to the municipal general fund any tax increment revenues  
20 remaining in the affordable housing development sinking fund account established  
21 under paragraph A in excess of those estimated to be required to satisfy the  
22 obligations of the development sinking fund account after taking into account any  
23 transfers made under paragraph C. The municipality, at any time ~~during the term of~~  
24 ~~the district~~, by vote of the municipal officers, may return to the municipal general  
25 fund any tax increment revenues remaining in the project cost account established  
26 under paragraph A in excess of those estimated to be required to satisfy the  
27 obligations of the development project cost account after taking into account any  
28 transfer made under paragraph C. In either case, the corresponding amount of local  
29 valuation may not be included as part of the captured assessed value as specified by  
30 the municipality.

31 **Sec. A-3. 33 MRSA §203, first ¶**, as amended by PL 1999, c. 699, Pt. D, §20 and  
32 affected by §30, is further amended to read:

33 Deeds and all other written instruments before recording in the registries of deeds,  
34 except those issued by a court of competent jurisdiction and duly attested by the proper  
35 officer thereof, and excepting plans and notices of foreclosure of mortgages and certain  
36 financing statements as provided in Title 11, section 9-1501, subsection (1), paragraph  
37 (a), and excepting notices of liens for internal revenue taxes and certificates discharging  
38 such liens and excepting notices of liens for taxes assessed pursuant to Title 36, Part 1  
39 and Parts 3 to 8 and Title 26, chapter 13, and releases discharging such liens, and  
40 excepting notices of liens for taxes assessed pursuant to Title 36, Part 2 when filed by the  
41 State Tax Assessor, and releases discharging such liens, must be acknowledged by the  
42 grantors, or by the persons executing any such written instruments, or by one of them, or

1 by their attorney executing the same, or by the lessor in a lease or one of the lessors or  
2 lessor's attorney executing the same, before a notary public in the State, or before an  
3 attorney-at-law duly admitted and eligible to practice in the courts of the State, if within  
4 the State; or before any clerk of a court of record having a seal, notary public or  
5 commissioner appointed by the Governor of this State for the purpose, or a commissioner  
6 authorized in the ~~State~~ state where the acknowledgment is taken, within the United States;  
7 or before a minister, vice-consul or consul of the United States or notary public in any  
8 foreign country.

9 **Sec. A-4. 36 MRSA §208**, as amended by PL 2019, c. 379, Pt. A, §1 and c. 401,  
10 Pt. A, §2, is repealed and the following enacted in its place:

11 **§208. Equalization**

12 The State Tax Assessor has the duty of equalizing the state and county taxes among  
13 all municipalities and the unorganized territory. The State Tax Assessor shall equalize  
14 and adjust the assessment list of each municipality by adding to or deducting from it such  
15 amount as will make it equal to its just value as of April 1st. Notice of the proposed  
16 valuations of municipalities within each county must be sent annually to the municipal  
17 officers of each municipality within that county on or before the first day of October. The  
18 valuation so determined is subject to review by the State Board of Property Tax Review  
19 pursuant to subchapter 2-A, but the valuation finally certified to the Secretary of State  
20 pursuant to section 381 must be used for all computations required by law to be based  
21 upon the state valuation with respect to municipalities.

22 **Sec. A-5. 36 MRSA §655, sub-§1, ¶B**, as amended by PL 2005, c. 652, §1 and  
23 affected by §3, is further amended to read:

24 B. Stock-in-trade, including inventory held for resale by a distributor, wholesaler,  
25 retail merchant or service establishment. "Stock-in-trade" also includes ~~an~~  
26 unoccupied manufactured ~~home~~ housing, as defined in Title 10, section 9002,  
27 subsection 7, paragraph A or C, that was not previously occupied at its present  
28 location, that is not connected to water or sewer and that is owned and offered for  
29 sale by a person licensed for the retail sale of manufactured ~~homes~~ housing pursuant  
30 to Title 10, chapter 951, subchapter 2;

31 **Sec. A-6. 36 MRSA §686**, as enacted by PL 1997, c. 643, Pt. HHH, §3 and  
32 affected by §10, is amended to read:

33 **§686. Denial of homestead exemption; appeals**

34 If the assessor determines that a property is not entitled to a homestead exemption  
35 under this subchapter, the assessor shall promptly provide a notice of denial, including  
36 the reasons for the denial, to the applicant by either personal delivery or regular mail. An  
37 applicant may appeal a denial of an exemption under this subchapter using the procedures  
38 provided in subchapter ~~VIII~~ 8. If the assessor determines that a property receiving an  
39 exemption under this subchapter any year within the 10 preceding years was not eligible  
40 for the exemption, the assessor shall immediately notify the bureau in writing.

1           **Sec. A-7. 36 MRSA §4641-B, sub-§2**, as enacted by PL 2001, c. 559, Pt. I, §4  
2 and affected by §15, is amended to read:

3           **2. Transfer or acquisition of controlling interest in entity with fee interest in**  
4 **real property.** A person transferring or acquiring a controlling interest in an entity with  
5 a fee interest in real property for which a deed is not given shall report the transfer or  
6 acquisition to the register of deeds in the county or counties in which the real property is  
7 located within 30 days of the transfer or acquisition on a return in the form of an affidavit  
8 furnished by the State Tax Assessor. The return must be ~~signed by both the transferor~~  
9 ~~and the transferee~~ and accompanied by payment of the tax due. When the real property is  
10 located in more than one county, the tax must be divided among the counties in the same  
11 proportion in which the real property is distributed among the counties. Disputes  
12 between 2 or more counties as to the proper amount of tax due to them as a result of a  
13 particular transaction must be decided by the State Tax Assessor upon the written petition  
14 of an official authorized to act on behalf of any such county.

15           **Sec. A-8. 36 MRSA §4641-B, sub-§7**, as enacted by PL 2013, c. 521, Pt. A, §2,  
16 is amended to read:

17           **7. Assignment of rights in or connected with foreclosed real property.** A person  
18 assigning rights in or connected with title to foreclosed real property for which a deed is  
19 not given, including rights as high bidder at the public sale pursuant to Title 14, section  
20 6323, shall report the assignment to the register of deeds in the county or counties in  
21 which the real property is located within 30 days of the assignment on a return in the  
22 form of an affidavit furnished by the State Tax Assessor. The State Tax Assessor shall  
23 provide for the collection of the tax in the same manner as in subsection 1 as if the  
24 assignment were a transfer of real property by deed. The return must be ~~signed by both~~  
25 ~~the transferor and the transferee~~ and accompanied by payment of the tax due. When the  
26 real property is located in more than one county, the tax must be divided among the  
27 counties in the same proportion in which the real property is distributed among the  
28 counties. Disputes between 2 or more counties as to the proper amount of tax due to  
29 them as a result of a particular transaction must be decided by the State Tax Assessor  
30 upon the written petition of an official authorized to act on behalf of any such county.  
31 This subsection applies to assignments made during the time between the judgment of  
32 foreclosure and the transfer of the foreclosed real property by deed.

33           **Sec. A-9. 36 MRSA §4641-D, first ¶**, as amended by PL 2007, c. 437, §14, is  
34 further amended to read:

35           Except as otherwise provided in this section, any deed, when offered for recording,  
36 and any report of a transfer of a controlling interest must be accompanied by a  
37 declaration, ~~signed by the parties to the transaction or their authorized representatives,~~  
38 declaring of the value of the property transferred and indicating the taxpayer  
39 identification numbers of the grantor and grantee, if they are business entities. The  
40 declaration of value with regard to a transfer by deed must include evidence of  
41 compliance with section 5250-A. The declaration of value must identify the tax map and  
42 parcel number of the property transferred unless a tax map does not exist that includes

1 that property, in which event the declaration must indicate that an appropriate tax map  
2 does not exist. The following are exempt from these requirements:

3 **Sec. A-10. 36 MRSA §6232, sub-§1-A**, as amended by PL 2019, c. 36, §1, is  
4 further amended to read:

5 **1-A. Volunteer program.** A municipality may by ordinance adopt a program that  
6 permits claimants who are at least 60 years of age to earn benefits up to a an annual  
7 maximum of \$1,000 or 100 times the state minimum hourly wage under Title 26, section  
8 664, subsection 1, whichever is greater, by volunteering to provide services to the  
9 municipality. A program adopted under this subsection does not need to meet the  
10 requirements of subsection 1, paragraph B or C. Benefits provided under this subsection  
11 must be related to the amount of volunteer service provided. Benefits received under this  
12 subsection may not be considered income for purposes of Part 8. A municipality may by  
13 ordinance establish procedures and additional standards of eligibility for a program  
14 adopted under this subsection.

## 15 PART B

16 **Sec. B-1. 36 MRSA §1752, sub-§11, ¶B**, as amended by PL 2019, c. 401, Pt. B,  
17 §4, is further amended by amending subparagraph (15) to read:

18 (15) The sale of positive airway pressure equipment and supplies and oxygen  
19 delivery equipment for rental for personal use to a person engaged in the business  
20 of renting positive airway pressure equipment and oxygen delivery equipment;

21 **Sec. B-2. 36 MRSA §2873, sub-§1**, as amended by PL 2003, c. 467, §6, is  
22 further amended to read:

23 **1. ~~Monthly returns required; payment~~ Payment of estimated tax liability.** On or  
24 before the 15th day of each month, each person subject to the tax imposed by this chapter  
25 shall submit to the assessor a ~~return on a form prescribed and furnished by the assessor.~~  
26 ~~Each return must be accompanied by~~ a payment of an amount equal to 1/12 of the  
27 person's estimated tax liability for the entire current state fiscal year or facility fiscal year  
28 or, in the case of a facility taxed on the basis of a partial facility fiscal year after June 30,  
29 2003, an amount equal to a fraction of the estimated liability in which the denominator is  
30 the number of months remaining in the facility fiscal year and the numerator is one. A  
31 person may estimate its tax liability for the current state fiscal year or facility fiscal year  
32 by applying the tax rates provided by section 2872 to the most recent state fiscal year or  
33 facility fiscal year for which a Medicaid cost report has been finally settled and is no  
34 longer open to audit adjustment or correction, as long as the fiscal year in question began  
35 no earlier than 3 years prior to the beginning of the current fiscal year; in the event that  
36 the information necessary to prepare this estimate is not available, an estimate may be  
37 prepared on the basis of the reconciliation return most recently submitted or, if the first  
38 such return has not yet been ~~filed~~ submitted, then on the basis of the revenues formally  
39 reported by the facility in accordance with generally accepted accounting principles.  
40 Regardless of the method used for preparing the estimate, the estimate may include  
41 adjustments to reflect changes in the number of licensed or certified beds or extraordinary  
42 changes in payment rates. Once a taxpayer has made its first monthly payment for a state

1 fiscal year or facility fiscal year pursuant to this subsection, the monthly amount must  
2 remain fixed throughout the fiscal year unless the assessor authorizes a change. If the  
3 person's estimated annual tax liability as ~~reported and~~ paid pursuant to this subsection  
4 does not equal the tax imposed on that person by section 2872, any adjustments necessary  
5 to reconcile the estimated tax with the correct tax amount must be made pursuant to  
6 subsection 2.

7 **Sec. B-3. 36 MRSA §4401, sub-§9, ¶C**, as enacted by PL 2019, c. 530, Pt. A, §2  
8 and affected by §7, is amended to read:

9 C. Any product that contains adult use marijuana subject to tax under ~~Title 28-B,~~  
10 ~~section 1001~~ chapter 723; or

11 **Sec. B-4. Retroactive application.** That section of this Part that amends the  
12 Maine Revised Statutes, Title 36, section 1752, subsection 11, paragraph B applies  
13 retroactively to sales occurring on or after January 1, 2012.

## 14 PART C

15 **Sec. C-1. 36 MRSA §191, sub-§2, ¶HHH**, as enacted by PL 2019, c. 386, §1, is  
16 amended to read:

17 HHH. The disclosure to the Office of Program Evaluation and Government  
18 Accountability and the joint standing committee of the Legislature having jurisdiction  
19 over taxation matters pursuant to section 5219-VV, subsection ~~4~~ 5, paragraph ~~B C~~  
20 of the revenue loss, including the loss due to refundable credits, attributable to each  
21 taxpayer claiming the tax credit for major food processing and manufacturing facility  
22 expansion provided under that section, regardless of the number of persons eligible  
23 for the credit.

24 **Sec. C-2. 36 MRSA §1861-A**, as amended by PL 2019, c. 441, §6, is further  
25 amended to read:

### 26 **§1861-A. Reporting use tax on individual income tax returns**

27 The assessor shall provide that individuals report use tax on items with a sale price of  
28 \$5,000 or less on their Maine individual income tax returns. Taxpayers are required to  
29 attest to the amount of their use tax liability for the period of the tax return.  
30 Alternatively, they may elect to report an estimated use tax liability amount that is .04%  
31 of their Maine adjusted gross income. ~~A taxpayer electing to satisfy a use tax liability by~~  
32 ~~estimating it shall calculate the liability in accordance with the use tax table.~~ The  
33 estimated liability is applicable only to purchases of any individual items each having a  
34 sale price no greater than \$1,000. For each taxable item with a sale price greater than  
35 \$1,000 but no more than \$5,000, the actual use tax liability for each purchase must be  
36 added to the amount of ~~the estimated liability derived from the use tax table~~ use tax equal  
37 to .04% of a taxpayer's Maine adjusted gross income. Upon subsequent review, if use tax  
38 liability for the period of the return exceeds the amount of use tax paid with the return, a  
39 credit of that amount paid relative to the item or items being supplementarily assessed is  
40 allowed. Use tax on any item with a sale price of more than \$5,000 must be reported in  
41 accordance with section 1951-A.

1           **Sec. C-3. 36 MRSA §5147**, as enacted by PL 2019, c. 401, Pt. C, §7, is amended  
2 to read:

3           **§5147. Installment sale election**

4           Notwithstanding any provision of this Part to the contrary, an individual who  
5 transferred, during the taxable year, real or tangible property located in this State under an  
6 installment sale agreement may elect to recognize, for purposes of determining the  
7 taxable income under this chapter, the total gain ~~or loss~~ from that sale in the taxable year  
8 of the transfer, or to recognize any remaining gain ~~or loss~~ in a subsequent tax year to the  
9 extent of the gain ~~or loss~~ not reported in a prior tax year. An election under this section is  
10 not available to an individual unless that individual is a nonresident of this State at the  
11 time of the transfer or at the time the election is made. An election under this section  
12 must be made on a timely filed original income tax return, including if filed by any  
13 extension granted for filing the return, and, once made, is irrevocable.

14           **Sec. C-4. 36 MRSA §5206, last ¶**, as enacted by PL 2005, c. 608, §1 and  
15 affected by §5, is amended to read:

16           In each taxable year in which a financial institution sustains a book net operating loss,  
17 a credit must be allowed against the franchise tax on assets under subsection 1. The  
18 credit must be computed by multiplying the ~~book net operating loss~~ Maine net income by  
19 the applicable franchise tax rate imposed by subsection 1, paragraph A. The total amount  
20 of any credit allowed may not exceed the franchise tax on assets due under subsection 1,  
21 paragraph B. In any tax year in which there is excess credit, the excess credit must be  
22 carried forward for no more than the next 5 tax years and may be applied against the tax  
23 computed under subsection 1.

24           **Sec. C-5. 36 MRSA §5219-RR, sub-§9, ¶A**, as enacted by PL 2017, c. 361, §2,  
25 is amended to read:

26           A. On or before March 1st annually, a certified applicant shall file a report with the  
27 commissioner for the tax year ending during the immediately preceding calendar  
28 year, referred to in this ~~paragraph~~ subsection as the "report year," containing the  
29 following information:

30                   (1) The employment of the certified applicant for the report year, including  
31 specific information on:

32                           (a) The number of qualified employees that are employed by the certified  
33 applicant at the end of the report year;

34                           (b) The total number of qualified employees hired during the report year;  
35 and

36                           (c) The number of qualified employees in positions that are covered by a  
37 collective bargaining agreement;

38                   (2) The total dollar amount of payroll associated with employment in the report  
39 year, including specific information on:

40                           (a) The average annual salary and wages for qualified employees; and



- 1 (b) The median annual salary and wages for qualified employees;
- 2 (3) The total dollar amount that was spent on goods and services obtained from  
3 businesses with an office in the State from which business operations in the State  
4 are managed; and
- 5 (4) The incremental level of qualified investments made during the report year,  
6 including specific information on:
- 7 (a) The amount of qualified investment in facility, production equipment and  
8 employee training and development, reported as an aggregate sum;
- 9 (b) The portion of the qualified investment reported under subparagraph (a)  
10 that was spent on goods and services from businesses with an office in the  
11 State from which business operations in the State are managed; and
- 12 (c) Whether the certified applicant has qualified for the additional credit  
13 under subsection 3, paragraph B.

14 The commissioner may prescribe forms for the annual reports required under this  
15 paragraph. The commissioner shall provide copies of the report to the State Tax  
16 Assessor and to the joint standing committee of the Legislature having jurisdiction  
17 over taxation matters at the time the report is received.

18 **Sec. C-6. 36 MRSA §5219-RR, sub-§9, ¶C**, as enacted by PL 2017, c. 361, §2,  
19 is amended to read:

20 C. ~~The~~ By December 31st of each year, the State Tax Assessor shall report to the  
21 joint standing committee of the Legislature having jurisdiction over taxation matters  
22 the revenue loss during ~~each state fiscal~~ the report year as a result of this section for  
23 each taxpayer claiming the credit and, if necessary, shall include updated revenue  
24 loss amounts for any previous tax year. For purposes of this paragraph, "revenue  
25 loss" means the credit claimed by the taxpayer and allowed pursuant to this section.

26 **Sec. C-7. 36 MRSA §5219-VV, sub-§5**, as enacted by PL 2019, c. 386, §2, is  
27 amended to read:

28 **5. Reporting required.** A certified applicant, the commissioner and the assessor are  
29 required to make reports pursuant to this subsection.

30 A. On or before March 1st of each year, a certified applicant shall file a report with  
31 the commissioner for the tax year ending during the immediately preceding calendar  
32 year, referred to in this ~~paragraph~~ subsection as "the report year," containing the  
33 following information:

34 (1) The number of full-time employees based in the State of the certified  
35 applicant on the last day of the tax year ending during the calendar year  
36 immediately preceding the report year; and

37 (2) The incremental amount of qualified investment made in the report year.

38 The commissioner may prescribe forms for the annual report described in this  
39 paragraph. The commissioner shall provide copies of the report to the assessor, to the  
40 Office of Program Evaluation and Government Accountability and to the joint

1 standing committee of the Legislature having jurisdiction over taxation matters at the  
2 time the report is received.

3 B. By April 1st of each year, the commissioner shall report to the Office of Program  
4 Evaluation and Government Accountability and to the joint standing committee of the  
5 Legislature having jurisdiction over taxation matters aggregate data on employment  
6 levels and qualified investment amounts of certified applicants for each year that the  
7 certified applicant claimed a credit under this section, ~~and the assessor shall report to~~  
8 ~~the Office of Program Evaluation and Government Accountability and to the~~  
9 ~~committee the revenue loss during the previous calendar year, including the loss due~~  
10 ~~to refundable credits, as a result of this section for each taxpayer claiming the credit.~~

11 C. By December 31st of each year, the assessor shall report to the Office of Program  
12 Evaluation and Government Accountability and to the joint standing committee of the  
13 Legislature having jurisdiction over taxation matters the revenue loss during the  
14 report year as a result of this section for each taxpayer claiming the credit and, if  
15 necessary, shall include updated revenue loss amounts for any previous tax year. For  
16 purposes of this paragraph, "revenue loss" means the credit claimed by the taxpayer  
17 and allowed pursuant to this section, consisting of the amount of the credit used to  
18 reduce the tax liability of the taxpayer and the amount of the credit refunded to the  
19 taxpayer, stated separately.

20 Notwithstanding any provision of law to the contrary, the reports provided under this  
21 subsection are public records as defined in Title 1, section 402, subsection 3.

22 **Sec. C-8. 36 MRSA §5234**, as enacted by PL 1975, c. 660, §9, is repealed.

23 **Sec. C-9. Application; retroactivity.** That section of this Part that amends the  
24 Maine Revised Statutes, Title 36, section 1861-A applies to individual income tax years  
25 beginning on or after January 1, 2020. That section of this Part that amends Title 36,  
26 section 5147 applies retroactively to tax years beginning on or after January 1, 2019.

## 27 PART D

28 **Sec. D-1. 36 MRSA §177, sub-§2**, as amended by PL 1999, c. 414, §8, is further  
29 amended to read:

30 **2. Responsible individual.** Each person required to collect taxes that are designated  
31 by subsection 1 as trust funds shall inform the State Tax Assessor, at the time an audit of  
32 that person's trust fund obligation is performed by the assessor, of the name and position  
33 of ~~the~~ each individual who generally is responsible for the control or management of that  
34 person's funds or finances and, if different, ~~the~~ each individual who is specifically  
35 responsible for the collection and paying over of those trust funds.

36 **Sec. D-2. 36 MRSA §194-D, sub-§1, ¶A**, as enacted by PL 2019, c. 343, Pt. G,  
37 §13, is amended by amending subparagraph (2) to read:

38 (2) A contractor for the bureau, including the contractor's employees,  
39 subcontractors and subcontractors' employees, who provides or is assigned to  
40 provide services to the bureau under an identified contract. ~~For the purposes of~~

1 ~~this subparagraph, "identified contract" means a contract that the assessor~~  
2 ~~determines involves access or the substantial possibility of access to the bureau's~~  
3 ~~information technology systems or to confidential tax information;~~

4 **Sec. D-3. 36 MRSA §194-D, sub-§1, ¶D** is enacted to read:

5 D. "Identified contract" means a contract that the assessor determines involves  
6 access or the substantial possibility of access to the bureau's information technology  
7 systems or to confidential tax information.

8 **Sec. D-4. 36 MRSA §194-D, sub-§2, ¶A**, as enacted by PL 2019, c. 343, Pt. G,  
9 §13, is amended to read:

10 A. As part of the process of evaluating an affected person, except for a current  
11 employee of the bureau, for employment with the bureau, a background investigation  
12 must be conducted before an offer of employment is extended.

13 **Sec. D-5. 36 MRSA §4119**, as enacted by PL 2017, c. 474, Pt. G, §2, is amended  
14 to read:

15 **§4119. Annual adjustments for inflation**

16 Beginning in 2018 and each year thereafter, on or about September 15th, for the  
17 estates of decedents who die during the succeeding calendar year, the assessor shall  
18 multiply the cost-of-living adjustment by the dollar amount contained in section 4102,  
19 subsection 5 applicable to estates of decedents dying on or after January 1, 2018. For the  
20 purposes of this section, the "cost-of-living adjustment" is the Chained Consumer Price  
21 Index for the 12-month period ending June 30th of the preceding calendar year divided by  
22 the Chained Consumer Price Index for the 12-month period ending June 30, 2017. If the  
23 dollar amount, adjusted by the application of the cost-of-living adjustment, is not a  
24 multiple of \$10,000, any increase must be rounded to the nearest multiple of \$10,000.

25 **SUMMARY**

26 Part A makes the following changes to the property tax laws.

27 1. It clarifies the time period when excess tax increment revenues can be transferred  
28 by a municipality to the municipality's general fund.

29 2. It removes the requirement that a notice of a tax lien pursuant to the Maine  
30 Revised Statutes, Title 36, Part 2 contain the signature of a notary public, when filed by  
31 the State Tax Assessor.

32 3. It resolves a conflict created when 2 public laws amended the same section of law  
33 in different ways and updates the notice of proposed state valuation provision by  
34 requiring the notice to be made to the municipal officers of the municipality instead of the  
35 chair of the board of assessors or the chair of the board of selectmen.

36 4. It changes the term "manufactured home" to "manufactured housing" to match the  
37 defined term in Title 10.

1           5. It conforms a cross-reference to legislative drafting manual standards.

2           6. It removes the signature requirements under the real estate transfer tax laws with  
3 respect to assignation of rights in relation to foreclosed real property.

4           7. It clarifies that the municipal property tax assistance program benefits cap is an  
5 annual cap.

6           Part B makes the following changes to the sales tax laws.

7           1. It clarifies in the exclusion to the definition of "retail sale" for sales and use tax  
8 purposes that the sale of positive airway pressure equipment for rental for personal use to  
9 a person engaged in the business of renting positive airway pressure equipment also  
10 includes oxygen delivery equipment. The clarification applies retroactively to sales  
11 occurring on or after January 1, 2012.

12          2. It removes the requirement under the health care provider tax provision that a  
13 return be submitted with the monthly estimated payment.

14          3. It corrects a cross-reference to the marijuana excise tax.

15          Part C makes the following changes to the income tax laws.

16          1. It clarifies that information regarding the tax credit for major food processing and  
17 manufacturing facility expansion provided to the Office of Program Evaluation and  
18 Government Accountability is exempt from the confidentiality statute and corrects cross-  
19 references related to the disclosure of that information.

20          2. It removes the requirement that a tax table be used to calculate use tax reportable  
21 on individual income tax returns. The change applies to individual income tax years  
22 beginning on or after January 1, 2020.

23          3. It strikes references to losses in the Maine income tax law regarding the  
24 installment sale of Maine real or tangible property. Because a taxpayer must already  
25 report the entire loss in the year of the sale for both federal and Maine income tax  
26 purposes, what is purported to be an option to accelerate the claim of the loss under  
27 Maine income tax law has no purpose or practical effect. Removing the references to  
28 such losses clarifies the law and is intended to mitigate taxpayer confusion.

29          4. It clarifies that the net operating loss credit under the financial institutions  
30 franchise tax is computed by multiplying Maine net income by the applicable franchise  
31 tax rate.

32          5. It delays the State Tax Assessor's yearly reporting requirement for the tax credit  
33 for Maine shipbuilding facility investment until December 31st, clarifies that the report is  
34 for the tax year ending during the immediately preceding calendar year and defines the  
35 term "revenue loss" for the purposes of the State Tax Assessor's annual reporting  
36 requirement. These changes effect consistency with the reporting requirements for the  
37 credit for major business headquarters expansion, as amended by Public Law 2017,

1 chapter 375, and the credit for major food processing and manufacturing facility  
2 expansion.

3 6. It delays the State Tax Assessor's yearly reporting requirement for the tax credit  
4 for major food processing and manufacturing facility expansion until December 31st of  
5 each year, clarifies that the report is for the tax year ending during the immediately  
6 preceding calendar year and defines the term "revenue loss" for the purposes of the State  
7 Tax Assessor's annual reporting requirement. These changes effect consistency with the  
8 reporting requirements for the credit for major business headquarters expansion, as  
9 amended by Public Law 2017, chapter 375, and the credit for Maine shipbuilding facility  
10 investment.

11 7. It repeals the provision of law that requires the calculation of income tax using  
12 blended tax rates for fiscal year filers when there is a change in tax rate that does not refer  
13 to the first day of the taxable year.

14 Part D makes the following changes to the tax laws.

15 1. It clarifies that one or more responsible individuals may be designated to collect  
16 trust fund taxes under the Maine Revised Statutes, Title 36, section 177.

17 2. It clarifies that the definition of "identified contract" applies to all of Title 36,  
18 section 194-D concerning Maine Revenue Services background investigations.

19 3. It clarifies that an additional background investigation is not required when a  
20 person who is currently employed by Maine Revenue Services applies for another  
21 position within Maine Revenue Services.

22 4. It codifies the practice of rounding the Maine estate tax exclusion amount cost-of-  
23 living adjustment to the nearest multiple of \$10,000.