

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

GA  
OS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37

Date: 6/17/25

L.D. 210  
(Filing No. H-778)

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
132ND LEGISLATURE  
FIRST SPECIAL SESSION

HOUSE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to H.P. 132, L.D. 210, "An Act Making Unified Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2025, June 30, 2026 and June 30, 2027"

Amend the amendment by inserting after Part AAAA the following:

**'PART BBBB**

**Sec. BBBB-1. 20-A MRSA §15699 is enacted to read:**

**§15699. Fund for Public Prekindergarten to Grade 12 Education**

**1. Fund established.** The Fund for Public Prekindergarten to Grade 12 Education, referred to in this section as "the fund," is established as an interest-bearing account administered by the department.

**2. Revenue.** The Treasurer of State shall deposit all revenue collected pursuant to Title 36, section 5111, subsection 7 from the income tax surcharge to fund education into the fund according to the schedule in Title 36, section 5111, subsection 7. All interest earned by the fund becomes part of the fund.

**3. Use of fund.** The commissioner shall use the full amount of revenue deposited to the fund to fund public prekindergarten to grade 12 education. Revenue deposited to the fund must be used as additional funds for public prekindergarten to grade 12 education and may not be used in place of funds appropriated or allocated to meet the State's annual target share pursuant to section 15671. The funds must be allocated in the same manner that the state share under section 15671 is allocated.

**Sec. BBBB-2. 30-A MRSA §5681, sub-§5, as amended by PL 2023, c. 412, Pt. XXX, §1 and affected by §15, is further amended to read:**

**5. Transfers to funds.** Before January 1, 2025, no later than the 10th day of each month, the State Controller shall transfer to the Local Government Fund 5% of the receipts during the previous month from the taxes imposed under Title 36, Parts 3 and 8, and Title 36, section 2552, former subsection 1, paragraphs A to F and L, and credited to the General Fund without any reduction, except that for fiscal years 2015-16, 2016-17, 2017-18 and 2018-19 the amount transferred is 2%, for fiscal year 2019-20 the amount transferred is

ROS

3%, for fiscal year 2020-21 the amount transferred is 3.75% and for fiscal year 2021-22 the amount transferred is 4.5% of the receipts during the previous month from the taxes imposed under Title 36, Parts 3 and 8, and Title 36, section 2552, former subsection 1, paragraphs A to F and L, and credited to the General Fund without any reduction, and except that the postage, state cost allocation program and programming costs of administering state-municipal revenue sharing may be paid by the Local Government Fund.

Beginning January 1, 2025 and ending January 31, 2026, no later than the 10th day of each month, the State Controller shall transfer to the Local Government Fund 5% of the receipts during the previous month from the taxes imposed under Title 36, Parts 3 and 8 and Title 36, section 2552, subsection 1-A, and credited to the General Fund without any reduction, except that the postage, state cost allocation program and programming costs of administering state-municipal revenue sharing may be paid by the Local Government Fund. Twenty percent of the amounts transferred to the Local Government Fund each month must be transferred to the Disproportionate Tax Burden Fund and distributed pursuant to subsection 4-B.

Beginning February 1, 2026, no later than the 10th day of each month, the State Controller shall transfer to the Local Government Fund 5% of the receipts during the previous month from the taxes imposed under Title 36, Parts 3 and 8 and Title 36, section 2552, subsection 1-A, and credited to the General Fund without any reduction, except for the reduction for the transfer to the Fund for Public Kindergarten to Grade 12 Education as described by Title 36, section 5111, subsection 7, paragraph B and except that the postage, state cost allocation program and programming costs of administering state-municipal revenue sharing may be paid by the Local Government Fund. Twenty percent of the amounts transferred to the Local Government Fund each month must be transferred to the Disproportionate Tax Burden Fund and distributed pursuant to subsection 4-B.

**Sec. BBBB-3. 36 MRSA §5111, sub-§7 is enacted to read:**

**7. Income tax surcharge to fund education.** An income tax surcharge is established and administered as follows.

A. For tax years beginning on or after January 1, 2026, in addition to any other tax imposed by this chapter, a surcharge at the rate of 2% is imposed on that portion of the taxpayer's Maine taxable income in excess of:

(1) For single individuals and married persons filing separate returns, \$1,000,000;

(2) For heads of households, \$1,500,000; and

(3) For individuals filing married joint returns or surviving spouses, \$2,000,000.

B. All revenue collected under this subsection must be used to fund public prekindergarten to grade 12 education and must be deposited each year into the Fund for Public Prekindergarten to Grade 12 Education established in Title 20-A, section 15699 in accordance with this paragraph.

(1) Prior to January 1st of each year, the bureau shall estimate the annual revenue to be collected from the surcharge for the immediately following calendar year.

(2) On the first of each month, beginning on January 1, 2026, the Treasurer of State shall deposit 8.333% of the estimated annual total revenue from the surcharge into the Fund for Public Prekindergarten to Grade 12 Education.

(3) The bureau may adjust the monthly transfer amount once annually to account for any difference between the estimated collection and actual collection of revenue for the year in which the transfer is made and any tax years prior to that year.

**Sec. BBBB-4. 36 MRSA §5160**, as amended by PL 2003, c. 390, §35, is further amended to read:

**§5160. Imposition of tax**

The tax is imposed, at the rates provided by section 5111, including the surcharge imposed pursuant to section 5111, subsection 7, for single individuals, upon the Maine taxable income of estates and trusts. The tax must be paid by the fiduciary.

**Sec. BBBB-5. 36 MRSA §5403, sub-§8**, as amended by PL 2023, c. 412, Pt. ZZZ, §9, is further amended to read:

**8. Personal exemption phase-out.** Beginning in 2018 and each year thereafter, by the dollar amount of the applicable amounts specified in section 5126-A, subsection 2, paragraphs A, B and C, except that for the purposes of this subsection, notwithstanding section 5402, subsection 1-B, the "cost-of-living adjustment" is the Chained Consumer Price Index for the 12-month period ending June 30th of the preceding calendar year divided by the Chained Consumer Price Index for the 12-month period ending June 30, 2017; and

**Sec. BBBB-6. 36 MRSA §5403, sub-§9**, as enacted by PL 2023, c. 412, Pt. ZZZ, §10, is amended to read:

**9. Dependent exemption tax credit amount.** Beginning in 2024 and each year thereafter, by the dollar amount of the dependent exemption tax credit under section 5219-SS, except that for the purposes of this subsection, notwithstanding section 5402, subsection 1-B, the "cost-of-living adjustment" is the Chained Consumer Price Index for the 12-month period ending June 30th of the preceding calendar year divided by the Chained Consumer Price Index for the 12-month period ending June 30, 2023. If the credit amount, adjusted by application of the cost-of-living adjustment, is not a multiple of \$5, any increase must be rounded to the next lowest multiple of \$5; and

**Sec. BBBB-7. 36 MRSA §5403, sub-§10** is enacted to read:

**10. Income tax surcharge.** Beginning in 2026 and each year thereafter, by the dollar amounts specified in section 5111, subsection 7, paragraph A, subparagraphs (1), (2) and (3), except that for the purposes of this subsection, notwithstanding section 5402, subsection 1-B, the "cost-of-living adjustment" is the Chained Consumer Price Index for the 12-month period ending June 30th of the preceding calendar year divided by the Chained Consumer Price Index for the 12-month period ending June 30, 2025.

**Sec. BBBB-8. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF  
Revenue Services, Bureau of 0002**

Initiative: Provides one-time funding for computer programming costs.

**GENERAL FUND**

**2025-26**

**2026-27**

ROS

1	All Other	\$0	\$155,480
2			
3	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$155,480</u>
4			
5	<b>ADMINISTRATIVE AND FINANCIAL</b>		
6	<b>SERVICES, DEPARTMENT OF</b>		
7	<b>DEPARTMENT TOTALS</b>	<b>2025-26</b>	<b>2026-27</b>
8			
9	GENERAL FUND	\$0	\$155,480
10			
11	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$155,480</u>
12	<b>EDUCATION, DEPARTMENT OF</b>		
13	<b>Fund for Public Prekindergarten to Grade 12 Education N550</b>		
14	Initiative: Allocates funds from revenues received from an income tax surcharge pursuant		
15	to the Maine Revised Statutes, Title 36, section 5111, subsection 7. This funding is in		
16	addition to funds appropriated and allocated in order for the State to meet its obligation		
17	pursuant to the annual target established in Title 20-A, section 15752, inclusive of		
18	prekindergarten funding.		
19	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2025-26</b>	<b>2026-27</b>
20	All Other	\$20,468,500	\$64,348,250
21			
22	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$20,468,500</u>	<u>\$64,348,250</u>
23			
24	<b>EDUCATION, DEPARTMENT OF</b>		
25	<b>DEPARTMENT TOTALS</b>	<b>2025-26</b>	<b>2026-27</b>
26			
27	OTHER SPECIAL REVENUE FUNDS	\$20,468,500	\$64,348,250
28			
29	DEPARTMENT TOTAL - ALL FUNDS	<u>\$20,468,500</u>	<u>\$64,348,250</u>
30			
31	<b>SECTION TOTALS</b>	<b>2025-26</b>	<b>2026-27</b>
32			
33	GENERAL FUND	\$0	\$155,480
34	OTHER SPECIAL REVENUE FUNDS	\$20,468,500	\$64,348,250
35			
36	SECTION TOTAL - ALL FUNDS	<u>\$20,468,500</u>	<u>\$64,503,730</u>
37			
38	Amend the amendment by relettering or renumbering any nonconsecutive Part letter or		
39	section number to read consecutively.		

**SUMMARY**

This amendment imposes an income tax surcharge of 2% on that portion of a taxpayer's Maine taxable income in excess of \$1,000,000 for single filers and married persons filing separate returns, \$1,500,000 for heads of households and \$2,000,000 for married persons filing jointly or surviving spouses to fund public prekindergarten to grade 12 education and exempts the revenue from the surcharge from the calculation of state-municipal revenue sharing. The amendment establishes the Fund for Public Prekindergarten to Grade 12 Education and requires the Treasurer of State, beginning January 1, 2026, to deposit monthly into the fund 8.333% of the estimated annual total revenue from the surcharge. Revenue transferred into the fund must be used to fund public prekindergarten to grade 12 education in addition to, but not in place of, funds appropriated or allocated to meet the State's annual target for education funding. The amendment also adds an appropriations and allocations section.

**SPONSORED BY:**

(Representative CLUCHEY, S.)

**TOWN:** Bowdoinham

**FISCAL NOTE REQUIRED**  
(See attached)

**132nd MAINE LEGISLATURE****LD 210****LR 2409(13)**

**An Act Making Unified Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2025, June 30, 2026 and June 30, 2027**

**Fiscal Note for House Amendment "C" to Committee Amendment "A" (H-778)**

**Sponsor: Rep. Cluchey of Bowdoinham**

**Fiscal Note Required: Yes**

---

**Fiscal Note**

	<b>FY 2025-26</b>	<b>FY 2026-27</b>	<b>Projections FY 2027-28</b>	<b>Projections FY 2028-29</b>
<b>Net Cost (Savings)</b>				
General Fund	\$1,499,575	\$258,317	\$125,637	\$133,950
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$155,480	\$0	\$0
Other Special Revenue Funds	\$20,468,500	\$64,348,250	\$68,922,250	\$74,301,250
<b>Revenue</b>				
General Fund	(\$1,499,575)	(\$102,837)	(\$125,637)	(\$133,950)
Other Special Revenue Funds	\$20,389,575	\$64,342,837	\$68,915,637	\$74,293,950

**Fiscal Detail and Notes**

This amendment imposes an income tax surcharge of 2% on the portion of a taxpayer's Maine taxable income in excess of \$1,000,000 if filing single; \$1,500,000 if head of household; and \$2,000,000 if married filing jointly or qualifying surviving spouse for tax years beginning on or after January 1, 2026. All revenue collected from the income tax surcharge shall be deposited into the Fund for Public Pre-Kindergarten to Grade 12 Education. This would result in a revenue decrease to the General Fund of \$1,499,575 in fiscal year 2025-26 and \$102,837 in fiscal year 2026-27. The amendment would also result in a revenue decrease to the Local Government Fund of \$78,925 in fiscal year 2025-26 and \$5,413 in fiscal year 2026-27 as well as a revenue increase to the Fund for Public Pre-Kindergarten to Grade 12 Education of \$20,468,500 in fiscal year 2025-26 and \$64,348,250 in fiscal year 2026-27.

Additionally, the amendment includes a one-time General Fund appropriation to the Bureau of Revenue Services within the Department of Administrative and Financial Services of \$155,480 in fiscal year 2026-27 to fund computer programming costs associated with the provisions of this bill.

Finally, this amendment includes ongoing Other Special Revenue Funds allocation of \$20,468,500 in fiscal year 2025-26 and \$64,348,250 in fiscal year 2026-27 to a newly established Fund for Public Pre-kindergarten to Grade 12 Education program within the Department of Education to authorize the expenditure of revenues received from the income tax surcharge. A balanced budget is maintained.