

# State Of Maine 121st Legislature

## First Regular Session

# **Bill Summaries**

# Joint Standing Committee on Taxation

## July 2003

Members:

Sen. Stephen S. Stanley, Chair Sen. Ethan Strimling Sen. Richard A. Nass

Rep. David G. Lemoine, Chair Rep. Joseph C. Perry Rep. Bernard E. McGowan Rep. Deborah L. Simpson Rep. Arthur L. Lerman Rep. Edward J. Suslovic Rep. Harold A. Clough Rep. Jonathan T. E. Courtney Rep. Earle L. McCormick Rep. Joshua A. Tardy

<u>Staff</u>: Julie S. Jones, Legislative Analyst

*Office of Fiscal and Program Review* 5 State House Station Augusta, ME 04333-0005 (207) 287-1635

## Maine State Legislature



# Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

121st Maine Legislature First Regular Session

#### Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, <u>History and Final Disposition of Legislative Documents</u>, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CARRIED OVER PURSUANT TO HP 1212	Bills carried over to the 2 <sup>nd</sup> Regular Session
CON RES XXX	
CONF CMTE UNABLE TO AGREE	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES	House & Senate disagree; bill died
DIED IN CONCURRENCEOne	e body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT	Action incomplete when session ended; bill died
EMERGENCY	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE	Bill failed to get majority vote
	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY	Ruled out of order by the presiding officers bill died
INDEF PP	
ONTP	Bill Indefinitely Postponed 
OTP-ND	Committee report (hight To Pass In New Draft
P&S XXX	Chapter # of enacted Private & Special Law Joint Order passed in both bodies
PASSED	Joint Order passed in both bodies
PUBLIC XXX	Chapter # of enacted Public Law
RESOLVE XXX	Chapter # of finally passed Resolve
UNSIGNED	Bill held by Governor
	Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

### David C. Elliott, Director Offices located in Room 215 of the Cross Office Building

Sponsor(s)

LEMOINE

### An Act To Create a Minimal Excise Tax for Farm Trucks

Sponsor(s)	Committee Report	Amendments Adopted
KNEELAND	ONTP	
WOTTON		

LD 436 was a concept draft that proposed to create a minimal excise tax for farm trucks that are at least 5 years old and are used solely for seasonal agricultural purposes

#### LD 445 An Act To Facilitate Farmer Participation in the Land for Maine's **ONTP Future Program**

<u>Sponsor(s)</u> SMITH, M KNEELAND	Committee Report ONTP	Amendments Adopted
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LD 445 proposed to allow a farmer to reduce the farmer's adjusted gross income for income tax purposes by the amount received for sale of development rights under the Land for Maine's Future program.

#### LD 447 **ONTP** An Act To Exempt from Sales Tax the Sales of Adaptive **Equipment To Make a Vehicle Handicapped Accessible**

Sponsor(s) Amendments Adopted Committee Report ONTP TWOMEY

LD 447 proposed to exempt from sales tax the sales of adaptive equipment to a disabled person or a disabled person's family member for installation in or on a motor vehicle to make the vehicle accessible by a disabled person. Under current law, adaptive equipment installed on a motor vehicle owned by a disabled person to make the vehicle operable or accessible by a disabled person is exempt from the excise tax.

### LD 451

LD 436

An Act To Clarify Tax Appeal Procedures

Committee Report

OTP-AM

Amendments Adopted H-310

LD 451 proposed to permit a taxpayer appeal to Superior Court of a reconsideration decision of the State Tax Assessor to raise facts, arguments or issues that were not raised during the reconsideration proceeding.

**PUBLIC 242** 

**ONTP** 

Committee Amendment "A" (H-310) proposed that, on appeal to Superior Court of a reconsideration decision of the State Tax Assessor, either the taxpayer or the assessor may raise facts, arguments or issues that relate to the assessor's decision on reconsideration provided that the facts, arguments or issues were not barred by any other provision of law.

#### Enacted law summary:

Public Law 2003, chapter 242 provides that, on appeal to Superior Court of a reconsideration decision of the State Tax Assessor, either the taxpayer or the assessor may raise facts, arguments or issues that relate to the assessor's decision on reconsideration provided that the facts, arguments or issues were not barred by any other provision of law.

#### LD 467 **Resolve, To Study the Policies of the Department of** Administrative and Financial Services, Bureau of Revenue **Services Regarding Tax Collection Practices**

**INDEF PP** 

Sponsor(s)	Committee Report	Amendments Adopted
PERRY, J	OTP-AM	H-235
LEMONT		

LD 467 proposed to establish the Commission to Study the Policies of the Bureau of Revenue Services Regarding Tax Collection.

Committee Amendment "A" (H-235) proposed to change the staff office for the study and clarify the timing of report submission. This bill was not funded off the Study Table.

LD 502 An Act To Expand the Education Tax Credit **PUBLIC 473** 

Sponsor(s)	Committee Report	Amendments Adopted
COLWELL	OTP-AM	H-286
BRENNAN		

LD 502 proposed to expand income tax credits for contributions to promote higher educational attainment by extending coverage to contributions to higher educational endowments that have a policy of awarding no less than 4% of the value of the scholarship fund during a calendar year.

Committee Amendment "A" (H-286) proposed to allow a need-based scholarship granting organization possessing endowments with a value at least \$1,000,000 to be designated as a qualified scholarship organization for purposes of certain tax credits if the organization demonstrates that the it awards an amount equal to 100% of the amount of funds eligible for the tax credit received during the preceding calendar year and that administrative expenses for the endowments do not exceed 2% of the value of the endowments. The amendment also proposed to remove the requirement that a recipient sign a pledge indicating an intent to return to Maine and instead requires the qualified scholarship organization to either require such a pledge or to demonstrate that it offers outreach activities designed to encourage scholarship recipients to reside in Maine following graduation.