

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

**Legislative Document**

**No. 1360**

H. P. 1106

House of Representatives, March 20, 1979

On Motion of Mrs. Post of Owl's Head, referred to the Committee on Taxation.  
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Post of Owl's Head.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**AN ACT to Provide an Investment Tax Credit.**

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

**Sec. 1. 36 MRSA § 5215, sub-§ 3, paragraph A**, as enacted by PL 1977, c. 722, is amended to read:

**A.** With property considered to be qualified investment of at least \$5,000,000 for that taxable year with a situs in Maine and placed in service by the taxpayer after January 1, 1979 **but before January 1, 1981**; and

**Sec. 2. 36 MRSA § 5216** is enacted to read:

**§ 5216. Investment tax credit**

**1. Credit allowed.** A taxpayer shall be allowed a credit to be computed as hereinafter provided against the tax imposed by this Part. The amount of the credit shall be 20% of the qualified federal credit.

**2. Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms shall have the following meanings.

**A.** The term "qualified federal credit" means, with respect to any taxable year, that portion of the credit allowed by The United States Internal Revenue Code, Section 38, which is directly and solely attributable only to property with

a situs in this State and placed in service by the taxpayer after the effective date of this section.

3. **Maximum credit.** The maximum credit allowable to the taxpayer for any taxable year shall not exceed 50% of the tax otherwise due by that taxpayer.

4. **Carryover.** If the amount of credit allowable under this section for any taxable year would reduce the tax due to less than 50% of that amount which have been due, any amount of credit not deductible in that taxable year may be carried over to the following year or years and may be deducted from the taxpayer's tax for that year or years, subject to the same limitations provided herein.

5. **Recapture.** If during any taxable year any property is disposed of, or otherwise ceases to be property covered by subsection 2, paragraph A with respect to the taxpayer, before the close of the useful life which was taken into account in computing the credit under subsection 1, then the tax under this Part for that taxable year shall be increased by an amount equal to the aggregate decrease in the credits allowed under subsection 1 for all prior taxable years which would have resulted solely from substituting, in determining qualified investment under the United States Internal Revenue Code, for that useful life the period beginning with the time the property was placed in service by the taxpayer and ending with the time the property ceased to be property covered by subsection 2, paragraph A.

6. **Election.** A taxpayer shall be allowed the credit either under this section or under section 5215. A taxpayer eligible for the credit under this section and under section 5215 shall select the section under which he computes the credit.

**Sec. 3. Effective date.** This Act shall become effective on January 1, 1980.

#### STATEMENT OF FACT

This bill would entitle taxpayers to a state investment tax credit equal to 20% of the federal credit, a tax write-off for investments in business property.