

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 1744

7
8 H.P. 1235

House of Representatives, December 27, 1985

9 Submitted by the Department of Finance and Administration pursuant to
10 Joint Rule 24.

11 Received by the Clerk of the House on December 27, 1985. Referred to
the Committee on Taxation and 1,600 ordered printed pursuant to Joint Rule
14.

EDWIN H. PERT, Clerk

Presented by Representative Mayo of Thomaston.

12 Cosponsored by Representative Nelson of Portland, Senator Twitchell of
Oxford and Representative Jackson of Harrison.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 AN ACT Providing Conformity with the United
19 States Internal Revenue Code under the
20 Maine Income Tax Law.
21

22 Emergency preamble. Whereas, Acts of the Legis-
23 lature do not become effective until 90 days after
24 adjournment unless enacted as emergencies; and

25 Whereas, the 90-day period would delay the pro-
26 cessing of 1985 income tax returns; and

27 Whereas, legislative action is necessary before
28 January 1, 1986, in order to insure continued and ef-
29 ficient administration of the Maine income tax law
30 and certain other state taxes; and

31 Whereas, in the judgment of the Legislature,
32 these facts create an emergency within the meaning of
33 the Constitution of Maine and require the following
34 legislation as immediately necessary for the preser-

1 vation of the public peace, health and safety; now,
2 therefore,

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

5 36 MRSA §5102, sub-§11, as amended by PL 1983, c.
6 859, Pt. M, §§11, 13, is further amended to read:

7 11. Other terms. Any other term used in this
8 Part has the same meaning as when used in a compara-
9 ble context in the laws of the United States relating
10 to federal income taxes, unless a different meaning
11 is clearly required. Any reference in this Part to
12 the laws of the United States shall be construed as a
13 reference to the provisions of the United States In-
14 ternal Revenue Code of 1954, and amendments thereto
15 and other provisions of the laws of the United States
16 relating to federal income taxes as of ~~September 1,~~
17 ~~1984~~ December 31, 1985. This subsection shall be ef-
18 fective as to items of income, deductions, loss or
19 gain accruing in taxable years ending on or after
20 January 1, ~~1984~~ 1985, but only to the extent that
21 those items have been earned, received, incurred or
22 accrued on or after that effective date. Notwith-
23 standing other provisions of this subsection, for
24 taxable years ending in 1981 and 1982, any reference
25 in this Part to the laws of the United States shall
26 be construed as a reference to the provisions of the
27 United States Internal Revenue Code of 1954, and
28 amendments thereto and other provisions of the laws
29 of the United States relating to federal income taxes
30 as of December 31, 1981 for items of income, deduc-
31 tions, loss or gain earned, incurred or accrued with-
32 in those taxable years. Notwithstanding other provi-
33 sions of this subsection, for taxable years ending in
34 1983, any reference in this Part to the laws of the
35 United States shall be construed as a reference to
36 the provisions of the United States Internal Revenue
37 Code of 1954, and amendments thereto and other provi-
38 sions of the laws of the United States relating to
39 federal income taxes as of January 31, 1983 for items
40 of income, deductions, loss or gain earned, incurred
41 or accrued within those taxable years. Notwithstand-
42 ing this subsection, for taxable years ending in
43 1984, any reference in this Part to the laws of the

