

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 145

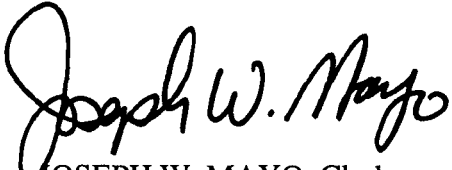
H.P. 110

House of Representatives, January 17, 1995

**An Act to Exempt from Taxation Charitable Institutions Authorized To  
Do Business in Maine.**

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Reference to the Committee on Taxation suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative WINGLASS of Auburn. (By Request)

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

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3       **Sec. 1. 36 MRSA §652, sub-§1, ¶A,** as amended by PL 1993, c.  
4 286, §1 and affected by §2, is further amended to read:

6       A. The real estate and personal property owned and occupied  
7 or used solely for their own purposes by benevolent and  
8 charitable institutions incorporated by this State, or  
9 authorized to do business in this State, and none of these  
10 may be deprived of the right of exemption by reason of the  
11 source from which its funds are derived or by reason of  
12 limitation in the classes of persons for whose benefit such  
13 those funds are applied.

14  
15       (1) Any such institution that is in fact conducted or  
16 operated principally for the benefit of persons who are  
17 not residents of Maine is entitled to an exemption not  
18 to exceed \$50,000 of current just value only when the  
19 total amount of any stipends or charges that it makes  
20 or takes during any tax year, as defined by section  
21 502, for its services, benefits or advantages divided  
22 by the total number of persons receiving such those  
23 services, benefits or advantages during the same tax  
24 year does not result in an average rate in excess of  
25 \$30 per week when said that weekly rate is computed by  
26 dividing the average yearly charge per person by the  
27 total number of weeks in a tax year during which such  
28 that institution is in fact conducted or operated  
29 principally for the benefit of persons who are not  
30 residents of Maine. No such institution that is in fact  
31 conducted or operated principally for the benefit of  
32 persons who are not residents of Maine and makes  
33 charges that result in an average weekly rate per  
34 person, as computed under this subparagraph, in excess  
35 of \$30 ~~may--be~~ is entitled to tax exemption. This  
36 subparagraph does not apply to institutions  
37 incorporated as nonprofit corporations for the sole  
38 purpose of conducting medical research.

39  
40       For the purposes of this paragraph, "benevolent and  
41 charitable institutions" include, but are not limited to,  
42 nonprofit nursing homes and nonprofit boarding homes and  
43 boarding care facilities licensed by the Department of Human  
44 Services pursuant to Title 22, chapter 1665 or its successor  
45 and nonprofit community mental health service facilities  
46 licensed by the Commissioner of Mental Health and Mental  
47 Retardation, pursuant to Title 34-B, chapter 3. For the  
48 purposes of this paragraph, "nonprofit" means a facility  
49 exempt from taxation under Section 501(c)(3) of the Code;  
50

2           **Sec. 2. Pending requests for exemption.** This Act applies to any  
request for exemption pending on the effective date of this Act  
as well as to any request filed on or after that date.

4

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8                               **STATEMENT OF FACT**

10           This bill extends to charitable institutions organized in  
another state but authorized by this State to do business in this  
State the same exemptions from taxes on real and personal  
12 property received by charitable institutions organized in this  
State.