

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1001

S.P. 318

March 2, 2007

An Act To Eliminate the Property Tax on Business Equipment Owned by Small Retailers

Reference to the Committee on Taxation suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator COURTNEY of York.
Cosponsored by Representative FLOOD of Winthrop, Representative BEAUDETTE of Biddeford and Senators: McCORMICK of Kennebec, NASS of York, Representatives: CEBRA of Naples, CROSTHWAITE of Ellsworth, LANSLEY of Sabattus, NASS of Acton, PILON of Saco, SAMSON of Auburn.

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

2 **Sec. 1. 36 MRSA §691, sub-§1, ¶A**, as enacted by PL 2005, c. 623, §1, is
3 amended to read:

4 A. "Eligible business equipment" means qualified property that, in the absence of
5 this subchapter, would first be subject to assessment under this Part on or after April
6 1, 2008. "Eligible business equipment" includes, without limitation, repair parts,
7 replacement parts, replacement equipment, additions, accessions and accessories to
8 other qualified business property that first became subject to assessment under this
9 Part before April 1, 2008 if the part, addition, equipment, accession or accessory
10 would, in the absence of this subchapter, first be subject to assessment under this Part
11 on or after April 1, 2008. "Eligible business equipment" also includes inventory
12 parts.

13 "Eligible business equipment" does not include:

- 14 (1) Office furniture, including, without limitation, tables, chairs, desks,
15 bookcases, filing cabinets and modular office partitions;
- 16 (2) Lamps and lighting fixtures used primarily for the purpose of providing
17 general purpose office or worker lighting;
- 18 (3) Property owned or used by an excluded person;
- 19 (4) Telecommunications personal property subject to the tax imposed by section
20 457;
- 21 (5) Gambling machines or devices, including any device, machine, paraphernalia
22 or equipment that is used or usable in the playing phases of any gambling activity
23 as that term is defined in Title 8, section 1001, subsection 15, whether that
24 activity consists of gambling between persons or gambling by a person involving
25 the playing of a machine. "Gambling machines or devices" includes, without
26 limitation:
- 27 (a) Associated equipment as defined in Title 8, section 1001, subsection 2;
- 28 (b) Computer equipment used directly and primarily in the operation of a
29 slot machine as defined in Title 8, section 1001, subsection 39;
- 30 (c) An electronic video machine as defined in Title 17, section 330,
31 subsection 1-A;
- 32 (d) Equipment used in the playing phases of lottery schemes; and
- 33 (e) Repair and replacement parts of a gambling machine or device; or
- 34 (6) Property located at a retail sales facility and used primarily in a retail sales
35 activity unless the property is owned by a business that operates a retail sales
36 facility in the State exceeding 100,000 square feet of interior customer selling
37 space that is used primarily for retail sales and whose Maine-based operations
38 derive less than 30% of their total annual revenue on a calendar year basis from
39 sales that are made at a retail sales facility located in the State or a business that
40 operates a retail sales facility in the State that does not exceed 20,000 square feet

1 of interior customer selling space that is used primarily for retail sales. For
2 purposes of this subparagraph, the following terms have the following meanings:

3 (a) "Primarily" means more than 50% of the time;

4 (b) "Retail sales activity" means an activity associated with the selection and
5 purchase of goods or services or the rental of tangible personal property.
6 "Retail sales activity" does not include production as defined in section 1752,
7 subsection 9-B; and

8 (c) "Retail sales facility" means a structure used to serve customers who are
9 physically present at the facility for the purpose of selecting and purchasing
10 goods or services at retail or for renting tangible personal property. "Retail
11 sales facility" does not include a separate structure that is used as a
12 warehouse or call center facility.

13 **SUMMARY**

14 This bill extends the business equipment property tax exemption to eligible property
15 located at a retail sales facility with interior customer selling space that is smaller than
16 20,000 square feet.