

MAINE STATE LEGISLATURE

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ML
2008

L.D. 1925

Date: 6-21-07

(Filing No. H-632)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "J" to H.P. 1362, L.D. 1925, Bill, "An Act To Cut Taxes on Maine Residents by over \$140,000,000"

Amend the bill by striking out the title and substituting the following:

'An Act To Reduce Taxes for Maine Residents'

Amend the bill in Part A by striking out all of section 1 and inserting the following:

'Sec. A-1. 36 MRSA §5111, as amended by PL 1999, c. 731, Pt. T, §§1 to 7, is repealed and the following enacted in its place:

§5111. Imposition and rate of tax

A tax is imposed for each taxable year beginning on or after January 1, 2008 on the Maine taxable income of every resident individual of this State at the following rates:

<u>For tax years beginning in:</u>	<u>The rate is:</u>
<u>2008 and 2009</u>	<u>6.5%</u>
<u>2010 and 2011</u>	<u>6.4%</u>
<u>2012 and 2013</u>	<u>6.35%</u>
<u>2014 and 2015</u>	<u>6.3%</u>
<u>2016 and after</u>	<u>6.25%</u>

Amend the bill in Part A in section 22 in §5218-A in subsection 2 in paragraph A in the first line (page 8, line 9 in L.D.) by striking out the following: "\$750" and inserting the following: '\$800'

Amend the bill in Part A in section 22 in §5218-A in subsection 2 in paragraph B in the 2nd line (page 8, line 11 in L.D.) by striking out the following: "\$1,100" and inserting the following: '\$1,200'

Amend the bill in Part A in section 22 in §5218-A in subsection 2 in paragraph C in the 2nd line (page 8, line 13 in L.D.) by striking out the following: "\$1,450" and inserting the following: '\$1,600'

1 Amend the bill in Part A in section 22 in §5218-A in subsection 3 in the first line
2 (page 8, line 14 in L.D.) by striking out the following: "\$125" and inserting the
3 following: '\$150'

4 Amend the bill in Part A in section 22 in §5218-A in subsection 4 in paragraph A in
5 the first line (page 8, line 19 in L.D.) by striking out the following: "\$30,000" and
6 inserting the following: '\$45,000'

7 Amend the bill in Part A in section 22 in §5218-A in subsection 4 in paragraph B in
8 the last line (page 8, line 21 in L.D.) by striking out the following: "\$45,000" and
9 inserting the following: '\$67,500'

10 Amend the bill in Part A in section 22 in §5218-A in subsection 4 in paragraph C in
11 the 2nd line (page 8, line 23 in L.D.) by striking out the following: "\$67,500" and
12 inserting the following: '\$90,000'

13 Amend the bill in Part A in section 22 in §5218-A in subsection 6 in the first line
14 (page 8, line 27 in L.D.) by striking out the following: "The" and inserting the following:
15 'Beginning in 2016, the'

16 Amend the bill in Part A in section 23 in §5218-B by inserting after subsection 2 the
17 following:

18 **'3. Additional credit. The base alternate household credit is increased by \$150 for**
19 **each person for whom the individual is entitled to claim an exemption as a dependent**
20 **under the Code.'**

21 Amend the bill in Part A in section 23 in §5218-B in subsection 3 in paragraph B in
22 subparagraph (1) in the 2nd line (page 9, line 27 in L.D.) by striking out the following:
23 "\$1,300" and inserting the following: '\$1,750'

24 Amend the bill in Part A in section 23 in §5218-B in subsection 3 in paragraph B in
25 subparagraph (2) in the first line (page 9, line 28 in L.D.) by striking out the following:
26 "\$2,000" and inserting the following: '\$2,625'

27 Amend the bill in Part A in section 23 in §5218-B in subsection 3 in paragraph B in
28 subparagraph (3) in the first line (page 9, line 29 in L.D.) by striking out the following:
29 "\$3,000" and inserting the following: '\$3,500'

30 Amend the bill in Part A in section 23 in §5218-B by renumbering the subsections to
31 read consecutively.

32 Amend the bill in Part A by inserting after section 23 the following:

33 **'Sec. A-24. 36 MRSA §5218-C is enacted to read:**

34 **§5218-C. Adjustment of household credit**

35 **By September 15, 2009, September 15, 2011, September 15, 2013 and September 15,**
36 **2015, the assessor shall adjust the amounts used in the calculation of the household credit**
37 **under sections 5218-A and 5218-B to maintain the same levels of distribution of net tax**
38 **liability as estimated for tax year 2008.'**

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1 Amend the bill in Part A in section 32 in the first paragraph in the 7th line (page 11,
2 line 21 in L.D.) by striking out the following: "subsection 3," and inserting the following:
3 'subsection 4,'

4 Amend the bill in Part A in section 32 in the first paragraph in the 10th line (page 11,
5 line 24 in L.D.) by striking out the following: "subsection 3," and inserting the following:
6 'subsection 4,'

7 Amend the bill by striking out all of Part B.

8 Amend the bill in Part C by inserting after section 14 the following:

9 'Sec. C-15. **Application.** Except as otherwise provided, this Part applies to
10 application periods for the Property Tax and Rent Refund Program beginning on or after
11 August 1, 2008.'

12 Amend the bill in Part E in section 4 by striking out all of subsection 1-I (page 20,
13 lines 23 to 41 in L.D.) and inserting the following:

14 '1-I. Amusement, entertainment and recreation services. "Amusement,
15 entertainment and recreation services" means the following services, except those
16 services provided by a governmental entity or an incorporated nonprofit organization:
17 admission to entertainment venues and performances, including theaters, movies,
18 lectures, concerts, amusement parks, water parks, fairgrounds except for licensed
19 agricultural fairs, race tracks, carnivals, circuses, sports activities, stadiums,
20 amphitheaters, museums, planetariums, animal parks, petting zoos, aquariums, historical
21 sites and convention centers; fees charged for participation in or entry to golf courses,
22 miniature golf courses, bowling alleys, swimming pools, skating rinks, billiard parlors,
23 gymnasiums, go-cart courses, tennis and racquetball courts and paintball; admission fees
24 charged for exhibition shows such as auto, boat, camping, home, garden, animal and
25 antique shows; scenic and sightseeing excursions including whitewater rafting, guided
26 recreation, but excluding guided recreation services on federally navigable waters, and
27 aircraft, helicopter, balloon, blimp, watercraft, railroad, bus, trolley and wagon rides;
28 lessons and training in such areas as music, sports, dance, martial arts, gymnastics,
29 physical fitness, art and crafts; entertainment services such as those provided by bands,
30 orchestras, disc jockeys, comedians, clowns, jugglers, children's entertainers and
31 ventriloquists; and proceeds from arcade games.'

32 Amend the bill in Part E by striking out all of section 6 and inserting the following:

33 'Sec. E-6. 36 MRSA §1752, sub-§2-D is enacted to read:

34 2-D. Fabrication facility. "Fabrication facility" means a site consisting of at least
35 35 acres at which the primary business is the performance of fabrication services and any
36 activities associated with or in support of fabrication services.

37 Sec. E-7. 36 MRSA §1752, sub-§2-E is enacted to read:

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1 **2-E. Fabrication services.** "Fabrication services" means the production of tangible
2 personal property for a consideration for a person who furnishes, either directly or
3 indirectly, the materials used in that production.'

4 Amend the bill in Part E in section 8 by striking out all of subsection 4-A (page 21,
5 lines 41 and 42 and page 22, lines 1 to 6 in L.D.) and inserting the following:

6 **'4-A. Installation, repair or maintenance services.** "Installation, repair or
7 maintenance services" means all services involved in the installation, repair or
8 maintenance of jewelry, cameras, guns, musical instruments, electronic and mechanical
9 equipment, lawn and garden equipment, computer hardware and office equipment,
10 vehicles and appliances; service and maintenance contracts; tailoring, clothing and shoe
11 repair; and furniture repair and restoration. "Installation, repair or maintenance services"
12 does not include services performed on tangible personal property used or held for use at
13 or located at a manufacturing facility or fabrication facility, other than tangible personal
14 property used in administrative support operations, or services performed on aircraft
15 including refurbishing of aircraft.'

16 Amend the bill in Part E in section 10 in subsection 8-A in paragraph B in
17 subparagraph (7) in the last line (page 23, line 11 in L.D.) by striking out the following:
18 "and"

19 Amend the bill in Part E in section 10 in subsection 8-A in paragraph B in
20 subparagraph (8) in the last line (page 23, line 12 in L.D.) by striking out the following:
21 "dips." and inserting the following: 'dips; and'

22 Amend the bill in Part E in section 10 in subsection 8-A in paragraph B by inserting
23 after subparagraph (8) the following:

24 '(9) Products for internal human consumption sold to a person for resale through
25 vending machines when sold to a person more than 50% of whose gross receipts
26 from the retail sale of tangible personal property are derived from sales through
27 vending machines. The tax must be paid by the retailer to the State.'

28 Amend the bill in Part E by striking out all of section 11.

29 Amend the bill in Part E in section 12 by striking out all of subsection 8-D (page 23,
30 lines 30 to 39 in L.D.) and inserting the following:

31 **'8-D. Personal property services.** "Personal property services" means the
32 following services related to personal property: dry cleaning; laundry and diaper services
33 not including self-service laundry services; embroidery and monogramming; car washing;
34 pressure cleaning and washing; pet services such as exercising, sitting, training, grooming
35 and boarding for nonmedical purposes; picture framing; domestic services, including
36 house cleaning and furniture and rug cleaning; interior decoration; meal preparation;
37 butchering; art restoration; warehousing and storage, including rental of storage units and
38 warehouse space, but not including warehousing and storage services provided to a
39 business; moving services; vehicle towing; and boat mooring. "Personal property
40 services" does not include fabrication services; installation, repair or maintenance

1 services; or services performed on tangible personal property used or held for use at or
2 located at a manufacturing facility or fabrication facility, other than tangible personal
3 property used in administrative support functions or services performed on aircraft
4 including refurbishing of aircraft.'

5 Amend the bill in Part E by striking out all of section 13.

6 Amend the bill in Part E in section 14 in subsection 11 by striking out all of
7 paragraph A (page 24, lines 23 to 30 in L.D.) and inserting the following:

8 'A. "Retail sale" includes:

9 ~~(1) Conditional sales, installment lease sales and any other transfer of tangible~~
10 ~~personal property when the title is retained as security for the payment of the~~
11 ~~purchase price and is intended to be transferred later; and~~

12 (2) Sale of products for internal human consumption to a person for resale
13 through vending machines when sold to a person more than 50% of whose gross
14 receipts from the retail sale of tangible personal property are derived from sales
15 through vending machines. The tax must be paid by the retailer to the State.'

16 Amend the bill in Part E in section 18 in subsection 17-B by striking out all of
17 paragraph G (page 26, line 23 in L.D.)

18 Amend the bill in Part E in section 18 in subsection 17-B in paragraph H in the first
19 line (page 26, line 24 in L.D.) by inserting after the following: "services;" the following:
20 "and"

21 Amend the bill in Part E in section 18 in subsection 17-B by striking out all of
22 paragraph I (page 26, line 25 in L.D.)

23 Amend the bill in Part E in section 18 in subsection 17-B by relettering the
24 paragraphs to read alphabetically.

25 Amend the bill in Part E by striking out all of sections 26, 27 and 29.

26 Amend the bill in Part E in section 31 in subsection 90 in the first line (page 28, lines
27 35 in L.D.) by inserting after the following: "The sale of" the following: 'a'

28 Amend the bill in Part E by inserting after section 45 the following:

29 '**Sec. E-46. 36 MRSA §2551, sub-§1-G** is enacted to read:

30 **1-G. 800 service. "800 service" means a telecommunications service that allows a**
31 **caller to dial a toll-free number without incurring a charge for the call. The service is**
32 **typically marketed under the name "800," "855," "866," "877" and "888" toll-free calling**
33 **and any subsequent numbers designated by the Federal Communications Commission.'**

34 Amend the bill in Part E by inserting after section 47 the following:

35 '**Sec. E-48. 36 MRSA §2551, sub-§5-A** is enacted to read:



1 **5-A. International.** "International" means a telecommunications service that
2 originates or terminates in the United States and terminates or originates outside the
3 United States, respectively. The term "United States" includes the District of Columbia
4 or a United States territory or possession.

5 **Sec. E-49. 36 MRSA §2551, sub-§5-B** is enacted to read:

6 **5-B. Interstate.** "Interstate" means a telecommunications service that originates in
7 one United States state, or a United States territory or possession, and terminates in a
8 different United States state or United States territory or possession.'

9 Amend the bill in Part E in section 54 in subsection 1 by striking out all of paragraph
10 A (page 33, line 30 in L.D.) and inserting the following:

11 'A. Extended cable and satellite television services. This paragraph is repealed
12 October 1, 2007;'

13 Amend the bill in Part E in section 54 in subsection 1 by inserting after paragraph A
14 the following:

15 'A-1. Extended cable and satellite television or radio services. This paragraph takes
16 effect October 1, 2007;'

17 Amend the bill in Part E in section 56 in subsection 31 in the last line (page 34, line
18 17 in L.D.) by striking out the following: "and"

19 Amend the bill in Part E in section 57 in subsection 32 in the first line (page 34, line
20 19 in L.D.) by striking out the following: "service." and inserting the following: 'service;
21 and'

22 Amend the bill in Part E by inserting after section 57 the following:

23 **'Sec. E-58. 36 MRSA §2557, sub-§33** is enacted to read:

24 **33. Certain services sold to a business.** Sales of the following services to a
25 commercial business:

26 A. Interstate, international or 800 service;

27 B. Directory advertising; or

28 C. Ancillary services.'

29 Amend the bill in Part E by striking out all of section 59 and inserting the following:

30 **'Sec. E-59. Monthly reports.** The State Tax Assessor shall provide monthly
31 reports to the Joint Standing Committee on Taxation through April 1, 2008 regarding the
32 State's activities in implementing the provisions of that Part of this Act that broadens the
33 sales tax base and increases the sales tax on prepared meals, lodging and rentals of
34 automobiles for less than one year. The report must include a plan for providing
35 information to taxpayers and the public about new sales and use tax obligations under that
36 Part, progress reports on implementation of the plan and copies of taxpayer materials and



1 informational materials that are proposed for issuance by the State Tax Assessor. The
2 State Tax Assessor shall inform the committee about implementation issues and may seek
3 the committee's advice on implementation. The committee may submit legislation to the
4 Second Regular Session of the 123rd Legislature regarding implementation of that Part of
5 this Act that broadens the sales tax base and increases the sales tax on prepared meals,
6 lodging and rentals of automobiles for less than one year.

7 **Sec. E-60. Application date.** Those portions of this Part that affect the taxation
8 of leases and rentals of tangible personal property apply to leases entered into, extended
9 or renewed on or after April 1, 2008.

10 **Sec. E-61. Appropriations and allocations.** The following appropriations and
11 allocations are made.

12 **ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF**
13 **Office of Tourism 0577**

14 Initiative: Allocates funds to the Tourism Marketing Promotion Fund due to the increase
15 in certain sales tax revenue.

16	OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
17	All Other	\$0	\$1,835,868
18			
19	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,835,868

20 **Sec. E-62. Effective date.** This Part takes effect April 1, 2008, except that:

21 1. Those sections of this Part that amend the Maine Revised Statutes, Title 5, section
22 13090-K, subsection 2; Title 36, section 1752, subsection 3-B; Title 36, section 1752,
23 subsection 8-A; Title 36, section 1760, subsection 6, paragraph D; Title 36, section 1760,
24 subsection 6, paragraph E; Title 36, section 1760-C; Title 36, section 1811, first
25 paragraph; Title 36, section 1812, subsection 2; and Title 36, section 2551, subsection 2;
26 that enact Title 36, section 1752, subsection 1-J; Title 36, section 1752, subsection 14-G;
27 and Title 36, section 1760, subsection 6, paragraph F; that repeal and replace Title 36,
28 section 1812, subsection 1; and that repeal Title 36, section 1811, 3rd paragraph take
29 effect October 1, 2007; and

30 2. That section of this Part that requires monthly reports by the State Tax Assessor
31 takes effect 90 days following adjournment of the First Regular Session of the 123rd
32 Legislature.'

33 Amend the bill in Part F by striking out all of section 3 (page 35, lines 18 to 29 in
34 L.D.) and inserting the following:

35 **'Sec. F-3. 36 MRSA §4641-A, sub-§1-A is enacted to read:**



1 **1-A. Deeds.** A tax is imposed at the following rates on each deed by which any real
2 property in this State is transferred. The tax is imposed 1/2 on the grantor and 1/2 on the
3 grantee.

4 A. Except as provided in paragraph B, the tax rate is 1% of the value of the real
5 property; or

6 B. On residential real property with a value exceeding \$1,000,000, the rate is 1.5%.

7 **Sec. F-4. 36 MRSA §4641, sub-§1-B** is enacted to read:

8 **1-B. Primary residence credit.** A credit of \$1,000 is allowed to the grantee of
9 residential property that is intended to be used by the grantee as a permanent residence, as
10 defined in section 681, subsection 3, within 6 months of the transfer.'

11 Amend the bill in Part G by inserting after section 3 the following:

12 **'Sec. G-4. Effective date.** This Part takes effect October 1, 2007.'

13 Amend the bill by striking out all of Parts H and I.

14 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
15 section number to read consecutively.

16 SUMMARY

17 This amendment lowers the flat rate of income tax to 6.25% over 9 years, beginning
18 in January 1, 2008 with a flat rate of 6.5% and decreasing it every other year for 8 years
19 until it reaches 6.25% beginning in January 1, 2016. In order to maintain the
20 progressivity of the tax decrease, the State Tax Assessor is required to adjust the
21 household credit prior to the next scheduled income tax rate decrease. Indexing of the
22 household credit is delayed until 2016, after the income tax rate reaches 6.25%.

23 The amendment provides for an additional credit of \$150 for each dependent when
24 using alternate calculation of the household credit. The amendment also eliminates the
25 changes proposed in the bill to the homestead property tax deduction.

26 The amendment eliminates the proposed expansion of the sales tax to personal care
27 services and real property services and limits the application of the expansion to other
28 specific service items with the primary intention of avoiding a negative impact on
29 business vitality. The amendment includes the wholesale sale of certain vending machine
30 items under the definition of "prepared food." The amendment eliminates the expansion
31 of the sales tax to certain publications, admission fees paid to licensed agricultural fairs
32 and certain sales related to funeral services and delays the effective date of the expansion
33 of the sales tax to new services until April 1, 2008.

34 The amendment changes the method of calculating real estate transfer tax to provide
35 a flat rate of 1% of value, except for residential real property with a value exceeding
36 \$1,000,000 for which the rate is 1.5% of value. The amendment provides a credit for the
37 first \$1,000 of tax to the grantee of a deed to residential property that is intended to be
38 used as a permanent residence.

HOUSE AMENDMENT "J" to H.P. 1362, L.D. 1925

1 The amendment deletes provisions of the bill setting aside funds for distributions to
2 municipalities.

3 FISCAL NOTE REQUIRED

4 (See attached)

5 SPONSORED BY: 

6 (Representative WATSON)

7 TOWN: Bath

**123rd MAINE LEGISLATURE****LD 1925****LR 2657(28)****An Act To Cut Taxes on Maine Residents by over \$140,000,000**

Fiscal Note for House Amendment "J"
Sponsor: Rep. Watson of Bath
Fiscal Note Required: Yes

Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Net Cost (Savings)				
General Fund	\$64,853	(\$1,798,455)	(\$12,293,506)	(\$12,322,243)
Appropriations/Allocations				
General Fund	\$0	(\$31,641,000)	(\$31,641,000)	(\$31,641,000)
Revenue				
General Fund	(\$64,853)	(\$29,842,545)	(\$19,347,494)	(\$19,318,757)
Other Special Revenue Funds	\$77,496	(\$574,661)	(\$2,070,594)	(\$2,379,961)

Fiscal Detail and Notes

This amendment increases the General Fund cost of the bill by \$64,853 in fiscal year 2007-08 and decreases the cost of the bill by \$1,798,455 in fiscal year 2008-09.