



## 124th MAINE LEGISLATURE

## **SECOND REGULAR SESSION-2010**

Legislative Document

No. 1500

S.P. 578

In Senate, December 8, 2009

An Act To Conform the Maine Tax Laws for 2009 to the United States Internal Revenue Code

(EMERGENCY)

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Received by the Secretary of the Senate on December 8, 2009. Referred to the Committee on Taxation pursuant to Joint Rule 308.2 and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator PERRY of Penobscot. Cosponsored by Representative WATSON of Bath.

1 Emergency preamble. Whereas, acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies: and 3 Whereas, state tax law needs to be updated to conform to federal law before the 90-4 day period expires to avoid delay in the processing of 2009 income tax returns; and 5 Whereas, legislative action is immediately necessary to ensure continued and efficient administration of the state income tax and certain other state taxes; and 6 7 Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as 8 9 immediately necessary for the preservation of the public peace, health and safety; now, 10 therefore. 11 Be it enacted by the People of the State of Maine as follows: 12 Sec. 1. 36 MRSA §111, sub-§1-A, as amended by PL 2009, c. 213, Pt. BBBB, §1 13 and affected by §17, is further amended to read: 14 1-A. Code. "Code" means the United States Internal Revenue Code of 1986 and 15 amendments to that Code as of February 17 December 31, 2009. Sec. 2. Application. This Act applies to tax years beginning on or after January 1, 16 2009 and to any prior tax years as specifically provided by the United States Internal 17 18 Revenue Code of 1986. 19 **Emergency clause.** In view of the emergency cited in the preamble, this 20 legislation takes effect when approved. **SUMMARY** 21 This bill updates references to the United States Internal Revenue Code of 1986 22 23 contained in the Maine Revised Statutes, Title 36 to refer to the United States Internal Revenue Code of 1986 as amended through December 31, 2009, for tax years beginning 24 25 on or after January 1, 2009 and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986. The bill primarily affects the State's 26

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income tax and estate tax laws.