

MAINE STATE LEGISLATURE

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Date: 3/6/12

Majority

L.D. 1764
(Filing No. H-743)

TAXATION

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1297, L.D. 1764, Bill, "An Act To Prohibit Computer Software Programs Used To Evade Sales Tax"

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

'An Act To Reduce High-technology Tax Evasion and Theft'

Amend the bill by striking out everything after the title and before the summary and inserting the following:

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

Sec. 1. 17-A MRSA §909 is enacted to read:

§909. Possession or transfer of automated sales suppression device

1. A person is guilty of possession or transfer of an automated sales suppression device if:

A. The person knowingly possesses, purchases or owns any automated sales suppression device or phantom-ware. Violation of this paragraph is a Class D crime;
or

B. The person knowingly manufactures, sells, installs or transfers any automated sales suppression device or phantom-ware or possesses, purchases or owns with the intent to sell, install or transfer any automated sales suppression device or phantom-ware. Violation of this paragraph is a Class C crime.

2. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Automated sales suppression device" means a computer software program, which may be stored on magnetic or optical media, accessed through the Internet or accessed through any other means, that is designed or used to falsify the electronic records of an electronic cash register or other point-of-sale system, including, but not limited to, transaction data and transaction reports.



Approved: 03/05/12 *mac*

125th MAINE LEGISLATURE

LD 1764

LR 2364(02)

An Act To Prohibit Computer Software Programs Used To Evade Sales Tax

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-743)
Committee: Taxation
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes new Class C and D crimes; insignificant increase to correctional and judicial costs anticipated.

Fiscal Detail and Notes

To date, there is no evidence that the use of automated sales suppression devices has had a significant impact on current state tax revenues. The current baseline revenue forecast does not assume any significant change in future non-compliance. The provisions of this bill would create increased confidence in the baseline revenue forecast by reducing a potential source of non-compliance, but would not change the forecast levels of revenue.