

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1496

H.P. 1073

House of Representatives, May 2, 2013

### An Act To Modernize and Simplify the Tax Code

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Reference to the Committee on Taxation suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative KNIGHT of Livermore Falls.  
Cosponsored by Senator WOODBURY of Cumberland and  
Representatives: DION of Portland, GIDEON of Freeport, HARVELL of Farmington,  
KESCHL of Belgrade, LIBBY of Lewiston, VOLK of Scarborough, Senators: CAIN of  
Penobscot, GOODALL of Sagadahoc, KATZ of Kennebec.

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

2 **CONCEPT DRAFT**

3 **SUMMARY**

4 This bill is a concept draft pursuant to Joint Rule 208.

5 **Overview**

6 This bill would overhaul Maine's tax code. It is designed to raise a larger share of tax  
7 revenues from nonresidents, while relieving the tax burden on year-round residents. The  
8 bill reduces Maine state income taxes, corporate income taxes and homestead property  
9 taxes; moderates the regressivity of sales and property taxes on lower-income  
10 households; stabilizes tax revenues; and creates a more attractive tax environment for  
11 individuals and businesses that locate in Maine.

12 Because nonresidents share many of the benefits of Maine's communities, roads,  
13 hospitals, environment and quality of life while they are here, while avoiding many of the  
14 taxes paid by residents only, the reforms also reflect a fairer apportionment of  
15 government costs.

16 The bill accomplishes its objectives by increasing revenues from sales and excise  
17 taxes, which are paid by both residents and nonresidents in proportion to the time they  
18 spend here, and by collecting less from income taxes and homestead property taxes,  
19 which are paid almost entirely by residents.

20 The bill creates 2 refundable tax credits. A sales tax fairness credit is designed to  
21 offset the regressive burden of sales taxes on lower-income families. A property tax  
22 fairness credit, combined with the increased homestead exemption, is designed to offset  
23 the regressive burden of property taxes.

24 **Property tax reform**

25 This bill more carefully targets property tax relief to owners of homestead property  
26 and to municipalities with higher property tax mill rates and higher overall tax burdens.  
27 The plan also provides proportionately more relief to households with lower incomes and  
28 lower property wealth, moderating the regressive impact of the property tax.

29 **1. Homestead property tax exemption.** The bill increases the homestead property  
30 tax exemption to \$50,000 except that the exemption may not exceed 50% of the value of  
31 the homestead. Municipalities would be reimbursed by the State for half of the cost of  
32 the homestead exemption. Payment from the State to municipalities for homestead tax  
33 relief would be over \$120,000,000 annually. A large majority of resident homeowners  
34 will see property tax reductions of over \$500; many will see property tax reductions of  
35 \$1,000 or more.

36 **2. State-municipal revenue sharing.** The bill replaces the current state-municipal  
37 revenue sharing formula by providing for the transfer of 1.5% of sales and income tax

1 revenue to be distributed only to municipalities with higher mill rates, using the new so-  
2 called Revenue Sharing II formula enacted in the 125th Legislature. Payment from the  
3 State to municipalities for municipal revenue sharing would be over \$40,000,000  
4 annually.

5 **3. Property tax fairness credit.** The bill replaces the Circuitbreaker Program with a  
6 new property tax fairness credit that is administered as an integral component of Maine  
7 income tax returns. The new program is greatly simplified as compared to the  
8 Circuitbreaker Program. The property tax fairness credit refunds to taxpayers half of the  
9 amount by which property taxes exceed 6% of income, up to a maximum refund of  
10 \$1,000 per household. Only the first \$250,000 of property value qualifies for the  
11 property tax fairness credit. Renters also qualify for credit, using 15% of their rent as the  
12 portion of rent that is eligible for the credit. Tax abatements provided by municipalities  
13 for hardship must be subtracted when calculating the property tax fairness credit.

14 **4. Property tax exemption for certain property.** The bill amends the property tax  
15 exemption for certain private nonprofit institutions and organizations. The full 100%  
16 exemption would be retained for the first \$250,000 of just value. The exemption would  
17 be reduced from 100% of the full just value of the property to 75% for the portion of just  
18 value exceeding \$250,000. The full 100% exemption would be retained for places of  
19 worship, and the tax treatment of parsonages would be unchanged from current law.

20 **5. Telecommunications excise tax.** The bill returns the taxation of  
21 telecommunications personal property to municipalities rather than being collected by the  
22 State. Revenues from the telecommunications excise tax remain with municipalities to  
23 assist with local budgets.

24 **6. Business equipment tax reimbursement.** The bill provides for full funding of  
25 property tax reimbursements to businesses under the BETR program up to the 12-year  
26 period of service originally covered under the program. Continuing reimbursements after  
27 the first 12 years of service are eliminated.

28 **7. Government efficiency grants.** The bill provides \$1,000,000 in funding annually  
29 from the General Fund to the Fund for the Efficient Delivery of Local and Regional  
30 Services to be used for grants to municipalities to increase collaboration in service  
31 delivery and to identify other cost efficiencies in governance.

## 32 **Income tax and estate tax reform**

33 This bill reduces income taxes for most Maine taxpayers. The simplified lower-rate  
34 system provides incentives for persons to locate their homes and businesses in Maine  
35 thereby increasing jobs and laying the foundation for a more prosperous economic future.

36 **1. Individual income tax reform.** The bill imposes a maximum 4% total income  
37 tax rate, eliminates nearly all deductions from income and computes a household's  
38 income tax assessment based on federal adjusted gross income. Progressivity in tax rates  
39 is achieved using 2 new refundable tax credits administered in conjunction with the  
40 income tax filing, a sales tax fairness credit and a property tax fairness credit. These  
41 credits create a more integrated tax system that promotes progressivity in the combined  
42 burden of all state and local taxes, including income, sales and property taxes.

1 The base sales tax fairness credit is set at \$1,000 for single filers or \$2,000 for joint  
2 filers, plus \$500 per dependent and \$500 per member of the household over 65 years of  
3 age. The credit amount is phased out as income rises. This credit is refundable up to  
4 \$500 for single filers or \$1,000 for joint filers, plus \$100 per dependent and \$100 per  
5 member of the household over 65 years of age, up to a maximum household refund of  
6 \$1,500. The property tax fairness credit, already described, is fully refundable up to  
7 \$1,000.

8 The sales tax fairness credit is automatically integrated into the tax or refund  
9 computation and is dependent on income and filing status only. The property tax fairness  
10 credit is also computed as part of the taxpayer's annual tax return, but varies based on the  
11 property taxes actually paid. The net distributional impact of the income tax, after  
12 accounting for the sales tax fairness credit, is as follows. Those households that are also  
13 eligible for the property tax fairness credit would have a smaller tax or a larger refund.

14 **A. Single filers.** As structured, and without accounting for the property tax fairness  
15 credit, single filers with income below \$8,800 would pay no income taxes and would  
16 receive the full refundable sales tax fairness credit of \$500. Single filers with income  
17 between \$8,800 and \$17,600 would owe no taxes and would receive a refundable  
18 credit of less than \$500, with the amount phasing out over this income range. Single  
19 filers with income between \$17,600 and \$60,000 would also be eligible for the sales  
20 tax fairness credit as an offset to their income taxes but would owe a net tax. Their  
21 total effective tax rate would increase progressively with income. Single filers with  
22 income above \$60,000 would pay the full 4% income tax rate on all of their adjusted  
23 gross income.

24 **B. Joint filers with no dependents.** Joint filers with no dependents and income  
25 below \$17,600 would pay no income taxes and would receive the full refundable  
26 sales tax fairness credit of \$1,000. Joint filers with income between \$17,600 and  
27 \$35,300 would owe no taxes and would receive a refundable credit of less than  
28 \$1,000, with the amount phasing out over this income range. Joint filers with income  
29 between \$35,300 and \$120,000 would also be eligible for the sales tax fairness credit  
30 as an offset to their income taxes but would owe a net tax. Their total effective tax  
31 rate would increase progressively with income. Joint filers with income above  
32 \$120,000 would pay the full 4% income tax rate on all of their adjusted gross income.

33 **C. Four-person families.** Four-person families with income below \$27,700 would  
34 pay no income taxes and would receive the full refundable sales tax fairness credit of  
35 \$1,200. Four-person families with income between \$27,700 and \$46,100 would owe  
36 no taxes and would receive a refundable credit of less than \$1,200, with the amount  
37 phasing out over this income range. Four-person families with income between  
38 \$46,100 and \$120,000 would also be eligible for the sales tax fairness credit as an  
39 offset to their income taxes but would owe a net tax. Their total effective tax rate  
40 would increase progressively with income. Four-person families with income above  
41 \$120,000 would pay the full 4% income tax rate on all of their adjusted gross income.

42 The bill repeals nearly all income tax deductions, including deductions for home  
43 mortgage interest, real estate taxes paid, medical and dental expenses, charitable  
44 contributions, theft and casualty losses, other itemized deductions, affordable housing,  
45 social security benefits taxable at the federal level, contributions to capital construction

1 funds, premiums paid for long-term care insurance, pension income and contributions to  
2 qualified tuition plans under Section 529 of the United States Internal Revenue Code of  
3 1986, so-called 529 plans.

4 The bill repeals most income tax credits prospectively, allowing the continued  
5 carry-forward of tax credits for projects and initiatives already awarded or accrued but  
6 eliminating new or future credit awards. Prospectively eliminated credits include the jobs  
7 and investment tax credit, the credit for contributions to family development account  
8 reserve funds, the credit for employer-assisted day care, the credit for employer-provided  
9 long-term care benefits, the credit for educational opportunity, the retirement and  
10 disability credit, the forest management planning income credits, the high-technology  
11 investment tax credit, the credit for dependent health benefits paid, the quality child care  
12 investment credit, the earned income credit, the Pine Tree Development Zone tax credit,  
13 the biofuel commercial production and commercial use credit, the tax benefits for media  
14 production companies, the dental care access credit, the new markets capital investment  
15 credit, the credit for wellness programs, the credit for Maine fishery infrastructure  
16 investment and the Maine Public Employees Retirement System innovation finance  
17 credit.

18 **2. Corporate income taxes.** The bill reduces corporate income tax rates to 3.5% on  
19 income up to \$50,000 and to 7.5% on income above \$50,000.

20 **3. Estate tax.** The bill repeals the estate tax.

## 21 **Sales and excise tax reform**

22 The bill raises about \$700,000,000 in additional sales and excise tax revenues  
23 annually, paid by both residents and nonresidents in rough proportion to the time they  
24 spend in Maine. These revenues are redirected to provide tax relief that goes almost  
25 entirely to residents. The net result of this restructuring is an increased revenue  
26 contribution from nonresidents and a reduced revenue contribution from residents. The  
27 additional burden of sales taxes on lower-income and middle-income taxpayers is offset  
28 by the sales tax fairness credit that is administered in conjunction with the income tax.

29 **1. Expanded sales tax base.** The sales tax would be applied to nearly all consumer  
30 purchases with the exception of health care and education, raising about \$400,000,000 in  
31 additional sales tax revenues annually. While the specific definitions for the expanded  
32 sales tax base will need to be constructed with advisory expertise from Maine Revenue  
33 Services, many consumer purchases in the following sales categories would become  
34 taxable: amusement, entertainment and recreational services; groceries; coal, oil, gas and  
35 wood for cooking and heating; residential electricity; publications; coin-operated vending  
36 machines; residential water; personal care services; personal property services; real  
37 property services; elective cosmetic services; funeral services; barber shop, beauty parlor  
38 and health club services; cleaning, storage and repair of clothing and shoes; business and  
39 legal services purchased by consumers; other professional services purchased by  
40 consumers; informational services purchased by consumers; certain transportation and  
41 storage services; installation, repair, maintenance and other labor service fees; basic cable  
42 and satellite television services; telecommunications services; and meals served in

1 cafeterias and dining halls. The sales tax treatment of leasing and rentals would be  
2 revised to be more consistent with the treatment of such transactions in most other states.

3 **2. Sales and excise tax rate increases.** The bill increases certain sales and excise  
4 tax rates, raising about \$300,000,000 in additional revenues annually. The general sales  
5 tax rate increases from 5% to 6%. The service provider tax rate increases from 5% to  
6 6%. The cigarette tax increases from \$2 to \$3.50. The taxes on other tobacco products  
7 are raised to a level that is equalized with cigarettes. The tax rate on prepared foods  
8 increases from 7% to 8%, and the definition of "prepared foods" is expanded. The total  
9 excise tax rate on malt liquor and hard cider products increases from 35¢ to 70¢ per  
10 gallon. The total excise tax rate on wine increases from 60¢ to \$1.20 per gallon. The tax  
11 rate on automobile rentals increases from 10% to 15%.

12 The tax rate on lodging increases from 7% to 8%, plus an additional 2% to be  
13 allocated to the Tourism Marketing Promotion Fund. This 2% set aside would replace  
14 the allocation to the Tourism Marketing Promotion Fund from the tax on lodging and  
15 prepared meals and increase the resources available for tourism promotion from  
16 \$10,000,000 to \$16,000,000.

17 The real estate transfer tax on residential property increases from 0.44% to a  
18 progressive rate structure. Residential real estate with a value of less than \$250,000  
19 would be taxed at 0.6%. Residential real estate with a value between \$250,000 and  
20 \$500,000 would be taxed at 0.8%. Residential real estate with a value between \$500,000  
21 and \$1,000,000 would be taxed at a rate of 1%. Residential real estate with a value above  
22 \$1,000,000 would be taxed at a rate of 1.5%. All other property would be taxed at 1%.

23 **3. Sales tax collector fee.** A sales tax collector fee is created to compensate  
24 businesses that collect sales taxes on behalf of the State. This fee is set at 0.5% of sales  
25 taxes collected and would be retained by vendors for their effort in collecting sales taxes.  
26 Every business that collects sales taxes will be compensated.