

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



132nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2026

Legislative Document

No. 2044

S.P. 837

In Senate, December 11, 2025

An Act to Allow for the Transferability of the Biofuel Production and Renewable Chemicals Tax Credits

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 9, 2025. Referred to the Committee on Taxation pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator PIERCE of Cumberland.
Cosponsored by Speaker FECTEAU of Biddeford.

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

Sec. 1. 36 MRSA §5219-X, sub-§4-A is enacted to read:

4-A. Transferability. A taxpayer who has received a letter of certification from the Commissioner of Environmental Protection pursuant to subsection 4 but has not yet claimed the credit may, with prior notice to the assessor on a form developed by the assessor, transfer the certification in whole or in part to any individual or entity, and the transferee may apply the credit against the transferee's Maine income tax liability with the same effect as if the transferee had engaged in the production of the biofuels. A transferee of the credit is subject to the same limitations and carry-forward provisions as the taxpayer who generated the credit. The transferee may claim the credit on the transferee's Maine income tax return and must attach a copy of the transferred letter of certification to the transferee's Maine income tax return together with a statement showing how much of the credit has been transferred to the taxpayer.

Sec. 2. 36 MRSA §5219-XX, sub-§6 is enacted to read:

6. Transferability. A taxpayer who is entitled to claim a tax credit under this section may transfer the credit in accordance with this subsection. The taxpayer shall provide the assessor with the information required by subsection 5 and rules adopted by the assessor. The assessor shall review the information submitted by the taxpayer and determine whether the taxpayer is eligible for the credit. If the assessor determines that the taxpayer is eligible for the credit, the assessor shall issue a certificate of approval to the taxpayer. A taxpayer who has received a certificate of approval from the assessor but has not yet claimed the credit may, with prior notice to the assessor on a form developed by the assessor, transfer the certificate in whole or in part to any individual or entity, and the transferee may apply the credit against the transferee's Maine income tax liability with the same effect as if the transferee had engaged in the production of the renewable chemicals. A transferee of the credit is subject to the same limitations and carry-forward provisions as the taxpayer who generated the credit. The transferee may claim the credit on the transferee's Maine income tax return and must attach a copy of the transferred certificate of approval together with a statement showing how much of the credit has been transferred to the taxpayer. A taxpayer who transfers a credit under this subsection may not claim a credit that has been transferred.

SUMMARY

This bill provides for the transfer of the biofuel production and renewable chemical tax credits to 3rd parties.