

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)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1997

one or more entities that publish a monthly state tax service all rules, bulletins, taxpayer notices or alerts, notices of rulemaking, any other taxpayer information issued by the assessor, and all substantive amendments or modifications of the same, for publication by that entity or entities. When a significant change has occurred in Bureau of Taxation policy or practice or in the interpretation by the bureau of any law, rule or instruction bulletin, the assessor shall, within 60 days of the change, provide to the same publishing entity or entities written notice, suitable for publication, of the change.

Sec. 4. 36 MRSA §112, sub-§4, as amended by PL 1991, c. 873, §2, is further amended to read:

4. Examination of records and premises. Whenever necessary to the administration of this Title, the State Tax Assessor may make, or cause to be made by an employee, an examination or investigation of the place of business, books and other documents and any other relevant personal property of any person who the ~~State Tax Assessor~~ assessor has reason to believe is liable for any tax imposed by this Title. The assessor may also examine the books and records of a payroll processor, as defined in Title 10, section 1495, and client books and records in the possession of a payroll processor.

At the conclusion of an audit, the ~~State Tax Assessor~~ assessor or an agent shall conduct an audit conference with the taxpayer and shall give the taxpayer a written summary of the audit findings, including the legal basis for the audit findings and adjustments, along with copies of relevant Bureau of Taxation audit workpapers.

Sec. 5. 36 MRSA §5255-A, first ¶, as amended by PL 1985, c. 535, §27, is further amended to read:

The State Tax Assessor may, by filing a complaint, apply for an injunction from doing business of any person required to deduct and withhold tax under this Part whenever any such person fails to deduct and withhold tax under this Part; or truthfully account for, or pay over, or make returns of the tax as required by section 5253. The assessor may also apply for an injunction from doing business of any payroll processor, as defined in Title 10, section 1495, whenever a payroll processor is responsible for truthfully accounting for, or paying over or making returns of the tax imposed by this Part and fails to do so. The existence of other civil or criminal remedies ~~shall be no~~ is not a defense to this proceeding.

See title page for effective date.

CHAPTER 496

H.P. 1336 - L.D. 1885

An Act to Amend the Insurance Premium Tax for Certain Large Domestic Insurers

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

Sec. 1. 36 MRSA §2513, as amended by PL 1989, c. 556, Pt. B, §5, is further amended by adding at the end a new paragraph to read:

Notwithstanding this section, for tax years commencing on or after January 1, 1997, the tax imposed by this section with respect to premiums on qualified group disability policies written by every insurer, except a large domestic insurer, must be at the rate of 1% and must be at the rate of 2.55% with respect to those premiums written by every large domestic insurer. For the purposes of this section, the term "qualified group disability policies" is limited to group health insurance policies properly reported as such in the insurer's annual statement and whose sole coverage is the full or partial replacement of an individual's income in the event of disability. Policies that contain coverages in addition to replacement of income coverage are considered to solely provide that coverage as long as the premium related to the additional coverages is not more than 10% of the total premium charged. The term "qualified group disability policies" does not include workers' compensation insurance policies, policies that include coverages that are collectively renewable, policies that provide for credit disability insurance or policies that pay benefits only upon the occurrence of hospitalization. For purposes of this section, a "large domestic insurer" is any insurer domiciled in this State with assets in excess of \$5,000,000,000 as reported on its annual statement.

See title page for effective date.

CHAPTER 497

H.P. 1340 - L.D. 1889

An Act to Provide Warranty Reimbursement Protection for Retailers

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

Sec. 1. 11 MRSA §2-316, sub-§5, as amended by PL 1975, c. 320, is further amended to read: