

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

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

Augusta, Maine
2023

receives written certification from the Houlton Band Council of the Houlton Band of Maliseet Indians that the band has agreed to the provisions of this Act, copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House and the Revisor of Statutes. Upon such written certification by the Houlton Band Council of the Houlton Band of Maliseet Indians, each section of this Act regarding or affecting the Houlton Band of Maliseet Indians and its tribal members and lands constitutes a jurisdictional agreement for purposes of the federal Maine Indian Claims Settlement Act of 1980, Public Law 96-420, Section 6(e)(2).

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved, except as otherwise indicated.

Effective June 30, 2023, unless otherwise indicated.

**CHAPTER 360
H.P. 181 - L.D. 283**

**An Act to Make Technical
Changes to the Maine Tax
Laws**

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

PART A

Sec. A-1. 36 MRSA §191, sub-§2, ¶C, as amended by PL 2017, c. 170, Pt. A, §1, is further amended to read:

C. The inspection by the Attorney General of information filed by any taxpayer who has requested review of any tax under this Title or against whom an action or proceeding for collection of tax has been instituted; or the production in court or to the board or the State Board of Property Tax Review as established by Title 5, section 12004-B, subsection 6 on behalf of the State Tax Assessor, or any other party to an action or proceeding under this Title, of so much and no more of the information as is pertinent to the action or proceeding;

Sec. A-2. 36 MRSA §191, sub-§2, ¶XX, as amended by PL 2015, c. 300, Pt. A, §6 and c. 344, §6, is further amended to read:

XX. The disclosure of information by the assessor to the board or the State Board of Property Tax Review as established by Title 5, section 12004-B, subsection 6, except that such disclosure is limited to information that is pertinent to an appeal or other action or proceeding before the board or the State Board of Property Tax Review;

Sec. A-3. 36 MRSA §191, sub-§2, ¶YY, as amended by PL 2015, c. 490, §2 and c. 494, Pt. A, §41, is further amended to read:

YY. The inspection and disclosure of information by the board, or by the State Board of Property Tax Review as established by Title 5, section 12004-B, subsection 6, to the extent necessary to conduct appeals procedures pursuant to this Title and issue a decision on an appeal to the parties. The board and the State Board of Property Tax Review may make available to the public redacted decisions that do not disclose the identity of a taxpayer or any information made confidential by state or federal statute;

Sec. A-4. 36 MRSA §208-A, sub-§2, ¶C, as amended by PL 2015, c. 236, §1, is further amended to read:

C. The municipality's equalized full value tax rate of residential property following adjusted for the sudden and severe disruption in municipal valuation exceeds the most recent state statewide average of residential property for which data is available.

Sec. A-5. 36 MRSA §331, as enacted by PL 1985, c. 764, §10, is amended to read:

§331. Assessment manual

The State Tax Assessor shall maintain and periodically update a ~~State state~~ assessment manual by rule, in accordance with the ~~Maine Administrative Procedure Act, Title 5, chapter 375, which shall identify that identifies~~ accepted and preferred methods of assessing property.

Any municipality performing or contracting for the performance of a revaluation after January 1, 1987, shall use or require the use of the ~~State state~~ assessment manual or another professionally accepted manual or procedure.

Sec. A-6. 36 MRSA §652, sub-§1, ¶G, as amended by PL 2007, c. 627, §20, is further amended to read:

G. Houses of religious worship, including vestries, and the pews and furniture within them; tombs and rights of burial; and property owned and used by a religious society as a parsonage up to the just value of \$20,000, and personal property not exceeding \$6,000 in just value are exempt from taxation, except that any portion of a parsonage that is rented is subject to taxation. For purposes of this paragraph, "parsonage" means the principal residence provided by a religious society for its cleric whether or not the principal residence is located within the same municipality as the house of religious worship where the cleric regularly conducts religious services.

Sec. A-7. 36 MRSA §653, sub-§1, ¶E, as amended by PL 2017, c. 170, Pt. B, §6, is further amended to read:

E. The word "veteran" as used in this subsection means ~~any person, male or female,~~ an individual who was on active duty in the Armed Forces of the United States and who, if discharged, retired or separated from the Armed Forces, was discharged, retired or separated under other than dishonorable conditions.

Sec. A-8. 36 MRSA §653, sub-§1, ¶J, as amended by PL 1989, c. 501, Pt. Z, is further amended to read:

J. ~~No person may be~~ An individual is not entitled to property tax exemption under more than one paragraph of this subsection.

Sec. A-9. 36 MRSA §653, sub-§2, ¶B, as enacted by PL 2007, c. 418, §1, is amended to read:

B. "Qualifying shareholder" means ~~a person~~ an individual who is a shareholder in a cooperative housing corporation who would qualify for an exemption under subsection 1 if the ~~person~~ individual were the owner of the property.

Sec. A-10. 36 MRSA §4641-C, sub-§15, as amended by PL 1993, c. 647, §2 and c. 718, Pt. B, §10, is further amended to read:

15. Deeds to a trustee, nominee or straw party. Any deeds:

A. To a trustee, nominee or straw party for the grantor as beneficial owner;

B. ~~For To a trustee, nominee or straw party for~~ the beneficial ownership of a person other than the grantor when, if that person were the grantee, ~~no~~ a tax would not be imposed upon the conveyance pursuant to this chapter; or

C. From a trustee, nominee or straw party to the beneficial owner;

Sec. A-11. 36 MRSA §6251, sub-§1, ¶B, as amended by PL 2021, c. 483, Pt. AA, §6, is further amended to read:

B. The taxpayer, ~~if the sole owner of the property,~~ has income, as defined in section 5219-KK, subsection 1, paragraph D, of less than \$40,000 for the calendar year immediately preceding the calendar year in which the claim is filed. In the case of property that is owned by more than one owner, all owners together have income, as defined in section 5219-KK, subsection 1, paragraph D, of less than \$40,000 for the calendar year immediately preceding the calendar year in which the claim is filed;

Sec. A-12. 36 MRSA §6251, sub-§1, ¶C, as amended by PL 2021, c. 483, Pt. AA, §6, is amended to read:

C. The taxpayer, ~~if an individual the sole owner of the property,~~ has liquid assets of less than \$50,000. ~~or, in the case of 2 or more individuals filing a claim jointly~~ property that is owned by more than one owner, all the individuals owners together have liquid assets of less than \$75,000; and

Sec. A-13. 36 MRSA §6271, sub-§1, ¶C, as enacted by PL 2009, c. 489, §5, is amended to read:

C. "Household income" ~~has the meaning set out in section 6201, subsection 7~~ means all income received by all persons of a household in a calendar year while members of the household. For the purposes of this paragraph, "household" means a claimant and spouse and all other individuals for whom the claimant under this chapter is entitled to claim a credit as a dependent or qualifying child under section 5219-SS for the year for which relief is requested.

PART B

Sec. B-1. 36 MRSA §151, sub-§1, as repealed and replaced by PL 2011, c. 694, §3, is amended to read:

1. Petition for reconsideration. A person who is subject to an assessment by the State Tax Assessor or entitled by law to receive notice of a determination of the assessor and who is aggrieved as a result of that action may request in writing, within 60 days after receipt of notice of the assessment or the determination, reconsideration by the assessor of the assessment or the determination. If a person receives notice of an assessment or a determination and does not file a petition for reconsideration within the specified time period, a review is not available in Superior Court or before the board regardless of whether the taxpayer subsequently makes payment and requests a refund.

Sec. B-2. 36 MRSA §5122, sub-§1, ¶X, as amended by PL 2017, c. 474, Pt. C, §1, is repealed.

Sec. B-3. 36 MRSA §5122, sub-§1, ¶BB, as enacted by PL 2009, c. 213, Pt. BBBB, §4 and affected by §17, is repealed.

Sec. B-4. 36 MRSA §5122, sub-§1, ¶CC, as amended by PL 2011, c. 90, Pt. H, §1 and affected by §8, is repealed.

Sec. B-5. 36 MRSA §5122, sub-§2, ¶G, as amended by PL 1999, c. 521, Pt. C, §3 and affected by §9, is repealed.

Sec. B-6. 36 MRSA §5122, sub-§2, ¶DD, as corrected by RR 2009, c. 2, §110, is repealed.

Sec. B-7. 36 MRSA §5122, sub-§2, ¶GG, as amended by PL 2011, c. 380, Pt. O, §6, is repealed.

Sec. B-8. 36 MRSA §5200-A, sub-§1, ¶S, as amended by PL 2017, c. 474, Pt. C, §5, is repealed.

Sec. B-9. 36 MRSA §5200-A, sub-§1, ¶W, as amended by PL 2011, c. 380, Pt. O, §11, is repealed.

Sec. B-10. 36 MRSA §5200-A, sub-§2, ¶U, as amended by PL 2011, c. 644, §23, is repealed.

Sec. B-11. 36 MRSA §5219-K, sub-§3, as amended by PL 2007, c. 627, §92, is further amended to read:

3. Limitation on credit allowed. The credit allowed under this section is limited to 100% of a corporation's first \$25,000 of tax due, as determined before the allowance of any credits, plus 75% of the corporation's tax due, as determined in excess of \$25,000. The assessor ~~shall~~ may adopt rules similar to those authorized under the Code, Section ~~38(c)(5)(B)~~ 38(c)(6)(B) for purposes of apportioning the \$25,000 among members of a controlled group ~~38(c)(6)(B)~~.

Sec. B-12. 36 MRSA §5219-K, sub-§6, as enacted by PL 1995, c. 368, Pt. GGG, §7, is amended to read:

6. Additional rules. The State Tax Assessor ~~shall~~ may adopt such rules as are necessary to implement this section.

Sec. B-13. 36 MRSA §5219-KK, sub-§1, ¶A-1, as amended by PL 2021, c. 483, Pt. AA, §1, is further amended to read:

A-1. For tax years beginning on or after January 1, 2018, "benefit base" means property taxes paid by a resident individual or the bureau pursuant to chapter 908 on behalf of the resident individual during the tax year on the resident individual's homestead in this State or rent constituting property taxes paid by the resident individual ~~or the bureau pursuant to chapter 908 on behalf of a resident individual~~ during the tax year on a homestead in the State not exceeding the following amounts:

- (1) For persons filing as single individuals, \$2,050;
- (2) For persons filing as heads of households that can claim the federal child tax credit pursuant to the Code, Section 24 for no more than one qualifying child or dependent or for persons filing joint returns, \$2,650; and
- (3) For persons filing as heads of households that can claim the federal child tax credit pursuant to the Code, Section 24 for more than one qualifying child or dependent or for persons filing joint returns that can claim the federal child tax credit pursuant to the Code, Section 24 for at least one qualifying child or dependent, \$3,250.

Sec. B-14. 36 MRSA §5219-KK, sub-§2-E, as enacted by PL 2021, c. 703, §1, is amended to read:

2-E. Permanently and totally disabled veterans; additional credit. For tax years beginning on or after January 1, 2023, in addition to the credit under subsection 2-D, a resident individual who is a veteran who is

100% permanently and totally disabled is allowed an additional credit against the taxes imposed under this Part in an amount equal to the amount calculated under subsection 2-D. The combined credit under subsection 2-D and this subsection may not exceed the property taxes paid by the resident individual or the bureau pursuant to chapter 908 on behalf of the resident individual during the tax year on the resident individual's homestead in this State and rent constituting property taxes paid by the resident individual during the tax year on a homestead in the State, combined. In the case of married individuals filing a joint return, only one spouse is required to be a veteran who is 100% permanently and totally disabled to qualify for the additional credit allowed under this subsection. For the purposes of this subsection, "100% permanently and totally disabled" means having a rating by the United States Department of Veterans Affairs at 100% for one or more service-connected disabilities that are rated permanent and "veteran" has the same meaning as in section 653, subsection 1, paragraph E.

Sec. B-15. 36 MRSA §5228, sub-§1, ¶B-1 is enacted to read:

B-1. "Farmer or person who fishes commercially" means an individual who meets the criteria of Section 6654(i)(2) of the Code.

Sec. B-16. 36 MRSA §5228, sub-§4, as amended by PL 2001, c. 583, §18, is further amended to read:

4. Due dates for estimated tax installments. For individuals, trusts and estates, an installment payment is due the 15th day of the 4th, 6th, 9th and 13th month following the beginning of ~~their fiscal~~ the individual's, trust's or estate's taxable year, except that in the case of farmers and ~~fishermen~~ persons who fish commercially, a single installment payment is due on ~~January~~ the 15th day of the 13th month following the beginning of the individual's, trust's or estate's taxable year. For corporations and financial institutions, an installment payment is due on the 15th day of the 4th, 6th, 9th and 12th month following the beginning of ~~their fiscal~~ the corporation's or financial institution's taxable year.

Sec. B-17. 36 MRSA §5228, sub-§5, ¶B, as amended by PL 1991, c. 9, Pt. DD, §2 and affected by §4, is further amended to read:

B. The taxpayer is a farmer or ~~fisherman~~ a person who fishes commercially in which case a single installment is required; or

Sec. B-18. 36 MRSA §5228, sub-§10, as enacted by PL 1985, c. 691, §§35 and 48, is amended to read:

10. Farmer or ~~fisherman~~ person who fishes commercially; underpayment. If an individual is a farmer or ~~fisherman~~ a person who fishes commercially

for any taxable year, then ~~no~~ a penalty may not be imposed with respect to any underpayment of the required installment of estimated tax, if on or before ~~March 1st~~ the first day of the 3rd month following the close of the individual's taxable year, that individual files a return for the taxable year and pays in full ~~his~~ the tax liability for the taxable year of the return.

PART C

Sec. C-1. 23 MRSA §4210-B, sub-§7-A, as amended by PL 2021, c. 630, Pt. D, §1, is further amended to read:

7-A. Sales tax revenue. On July 1st of each year, the State Controller shall transfer to the Multimodal Transportation Fund an amount, as certified by the State Tax Assessor, that is equivalent to 100% of the revenue from the tax imposed on the value of rental of a ~~pickup~~ truck or van with a gross weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles and the value of rental for a period of less than one year of an automobile pursuant to Title 36, section 1811 for the first 6 months of the prior fiscal year after the reduction for the transfer to the Local Government Fund as described by Title 30-A, section 5681, subsection 5 and the transfer to the ATV Recreational Management Fund pursuant to Title 36, section 1820. On October 1st of each year, the State Controller shall transfer to the Multimodal Transportation Fund an amount, as certified by the State Tax Assessor, that is equivalent to 100% of the revenue from the tax imposed on the value of rental of a ~~pickup~~ truck or van with a gross weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles and the value of rental for a period of less than one year of an automobile pursuant to Title 36, section 1811 for the last 6 months of the prior fiscal year after the reduction for the transfer to the Local Government Fund as described by Title 30-A, section 5681, subsection 5 and the transfer to the ATV Recreational Management Fund pursuant to Title 36, section 1820. The tax amount must be based on actual sales for that fiscal year and may not consider any accruals that may be required by law.

Sec. C-2. 36 MRSA §191, sub-§2, ¶H, as repealed and replaced by PL 1981, c. 698, §176, is amended to read:

H. The disclosure by the State Tax Assessor of the fact that a person is or is not registered under this Title or disclosure of both the fact that a registration under this Title has been revoked and the reasons for revocation. The exemption under this paragraph is limited to the disclosure of information applicable to the previous 6 years;

Sec. C-3. 36 MRSA §191, sub-§2, ¶EE, as amended by PL 2019, c. 401, Pt. B, §1, is further amended to read:

EE. The disclosure by the State Tax Assessor of the fact that a person has or has not been issued a certificate of exemption pursuant to section 1760, 2013 or 2557, or a resale certificate pursuant to section 1754-B, subsection 2-B or 2-C. The exemption under this paragraph is limited to the disclosure of information applicable to the previous 6 years;

See title page for effective date.

CHAPTER 361

H.P. 250 - L.D. 399

An Act to Amend the Portfolio Requirements for Class II Resources and Require Money Collected from Alternative Compliance Payments to Be Used for Financial Assistance

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

Sec. 1. 35-A MRSA §3210, sub-§3, ¶A, as enacted by PL 2019, c. 477, §1, is amended to read:

A. For the purposes of meeting the portfolio requirement under this subsection, a 300% multiplier is applied to the output of a generator fueled by municipal solid waste in conjunction with recycling that has obtained a solid waste facility license from the Department of Environmental Protection.

This paragraph is repealed January 1, ~~2025~~ 2027.

Sec. 2. 35-A MRSA §3210, sub-§9, as amended by PL 2021, c. 199, §1, is further amended to read:

9. Alternative compliance payment. The commission shall allow competitive electricity providers to satisfy the portfolio requirements for Class I resources under subsection 3-A, Class IA resources under subsection 3-B ~~and~~, thermal renewable energy credits under subsection 3-C ~~and~~ Class II resources under subsection 3 through an alternative compliance payment mechanism in accordance with this subsection.

A. The commission shall set the alternative compliance payment ~~rate rates~~ by rule, ~~which may not be greater than \$50~~, and shall publish the alternative compliance payment ~~rate rates~~ by January 31st of each year. In setting the ~~rate rates~~, the commission shall take into account prevailing market prices, standard-offer service prices for electricity, reliance on alternative compliance payments to meet the requirements of subsections ~~3~~, 3-A, 3-B and 3-C and investment in Class I ~~and~~, Class IA ~~and~~ Class II resources and thermal renewable energy credits in the State during the previous calendar year.