

# MAINE STATE LEGISLATURE

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*State Of Maine  
120th Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Taxation*

*May 2002*

**Members:**

*Sen. Kenneth T. Gagnon, Chair  
Sen. Kenneth F. Lemont  
Sen. Richard Kneeland*

*Rep. Bonnie Green, Chair  
Rep. Stephen S. Stanley  
Rep. Rosita Gagne*

*Rep. Joseph C. Perry  
Rep. Bernard E. McGowan  
Rep. Janet L. McLaughlin  
Rep. Eleanor M. Murphy  
Rep. John T. Buck  
Rep. Randall L. Bumps  
Rep. David E. Bowles*

**Staff:**

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**Maine State Legislature**  
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**120th Legislature**  
**Second Regular Session**

**Summary Of Legislation Before The Joint Standing Committees**  
**May 2002**

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CON RES XXX	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES	House & Senate disagree; bill died
DIED IN CONCURRENCE	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT	Action incomplete when session ended; bill died
EMERGENCY	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE	Bill failed to get majority vote
FAILED MANDATE ENACTMENT	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY	Ruled out of order by the presiding officers; bill died
INDEF PP	Bill Indefinitely Postponed
ONTP	Ought Not To Pass report accepted
OTP ND	Committee report Ought To Pass In New Draft
OTP ND/NT	Committee report Ought To Pass In New Draft/New Title
P&S XXX	Chapter # of enacted Private & Special Law
PASSED	Joint Order passed in both bodies
PUBLIC XXX	Chapter # of enacted Public Law
RESOLVE XXX	Chapter # of finally passed Resolve
UNSIGNED	Bill held by Governor
VETO SUSTAINED	Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 25, 2002.

**Patrick T. Norton, Interim Director**  
**Offices located in Room 215 of the Cross Office Building**

## Joint Standing Committee on Taxation

**LD 404**

**An Act to Promote Equity Among Health Care Clinics**

**INDEF PP**

Sponsor(s)  
ABROMSON  
MAYO

Committee Report  
OTP-AM

Amendments Adopted

LD 404 proposed to provide the same sales and use tax exemption to all nonprofit health clinics that is currently available to rural community health clinics, hospitals and their affiliated clinics, nonprofit dental health clinics and other similar health care providers.

This bill was carried over from the First Regular Session and was indefinitely postponed when removed from the Special Appropriations Table.

**LD 810**

**An Act to Amend the Laws Governing the Deduction of Pension And Retirement Benefits from State Income Tax**

**DIED ON  
ADJOURNMENT**

Sponsor(s)  
GAGNON  
COLWELL

Committee Report  
OTP-AM

Amendments Adopted  
S-407  
H-824 CLOUGH

LD 810 proposed to increase the \$6,000 deduction from state income tax for certain public, private and military pensions to \$8,000 beginning January 1, 2002 with an additional \$1000 in each subsequent year until the amount of the deduction reached \$17,000 in 2011; thereafter, the amount of the deduction would be equal to the amount of the federal tax exemption for social security benefits. This bill was carried over from the First Regular Session

**Committee Amendment “A” (S-407)** proposed to change the maximum deduction to \$20,000 in 2012 and after and to clarify the application of the deduction to spousal benefits.

**House Amendment “A” to Committee Amendment “A” (H-824)** proposed to include interest, ordinary dividends and capital gains within the definition of retirement income for the purpose of applying the deductions for persons who are at least 65 years old.

LD 810 remained tabled in the House when the Legislature adjourned.

**LD 883**

**An Act to Return a Percentage of Sales and Use Tax to Municipalities**

**ONTP**

Sponsor(s)  
LEMONT  
MENDROS

Committee Report  
ONTP

Amendments Adopted

LD 883 proposed to require the State to distribute to municipalities 10% of the amount by which sales and use tax revenues for the preceding fiscal year exceed sales and use tax revenues in fiscal year 2000-01. The local

## Joint Standing Committee on Taxation

revenues would be distributed to municipalities based upon the proportion of sales and use tax revenue attributable to the municipality.

This bill was carried over from the First Regular Session. It was the vehicle for proposals to authorize a local option sales tax.

**LD 909**                      **An Act to Improve the Circuit Breaker Program Application Process**                      **ONTP**

<u>Sponsor(s)</u> GAGNON GREEN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 909 was a concept draft pursuant to Joint Rule 208 that proposed to simplify the application process for the Maine Residents Property Tax Program, commonly referred to as the "circuit breaker program." This bill was carried over from the First Regular Session.

**LD 1570**                      **An Act to Update the Property Tax Exemption for Pollution Control Facilities to Promote Clean Production Through Pollution Prevention and Toxics Use Reduction**                      **INDEF PP**

<u>Sponsor(s)</u> COWGER GAGNON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1029
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LD 1570 proposed to establish a property tax exemption for certain clean production systems and eliminate the sales tax exemption for water and air pollution control facilities. It also proposed to establish the Task Force to Study Clean Production Tax Exemptions.

**Committee Amendment "A" (H-1029)** proposed to replace the bill and to provide an income tax credit to taxpayers that invest in clean technologies or make changes in processes that substantially reduce or eliminate pollution otherwise allowed to be released to the environment. The income tax credit was intended to provide an incentive for taxpayers to voluntarily commit to permanent pollutant reductions and eliminations beyond those required to comply with regulatory requirements. The amendment also proposed to require the State to reimburse municipalities for 50% of the property tax loss attributable to property that first qualifies for a property tax exemption as a pollution control facility after April 1, 2002 if the facility also has a quantifiable function other than pollution control. Reimbursement would be limited to the 12 years following the year in which the facility first becomes exempt.

This bill was indefinitely postponed when removed from the Special Appropriations Table.