

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature coming from the

JOINT STANDING COMMITTEE ON TAXATION

July 2009

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STATE OF MAINE

124TH LEGISLATURE
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
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; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
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

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Taxation

LD 35 Resolve, Directing the State Tax Assessor To Work with Local Law Enforcement Agencies To Improve Tax Collection and Enforcement along the Border of the State

RESOLVE 27

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER BOWMAN	OTP-AM	H-73

This bill requires municipalities to enforce the excise tax laws against residents of the municipalities that register their motor vehicles, aircraft or watercraft outside of the State to avoid the State's excise tax.

Committee Amendment "A" (H-73)

This amendment directs the State Tax Assessor to work with municipal and county officials and law enforcement agencies close to the New Hampshire border to identify residents of the State who register vehicles, aircraft or watercraft in another state to avoid paying excise taxes in the State and otherwise avoid state income and sales tax and report activities pursuant to the resolve to the Joint Standing Committee of the Legislature having jurisdiction over taxation matters by January 15, 2011.

Enacted Law Summary

Resolve 2009, chapter 27 directs the State Tax Assessor to work with municipal and county officials and law enforcement agencies close to the New Hampshire border to identify residents of the State who register vehicles, aircraft or watercraft in another state to avoid paying excise taxes in the State and otherwise avoid state income and sales tax and report activities pursuant to the resolve to the Joint Standing Committee of the Legislature having jurisdiction over taxation matters by January 15, 2011.

LD 51 An Act To Allow Military Personnel Living in Maine To Benefit under the Maine Resident Homestead Property Tax Exemption

**PUBLIC 418
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAZUREK RECTOR	OTP-AM MAJ ONTP MIN	H-6 S-342 DIAMOND

This bill allows a member of the United States Armed Forces who is permanently stationed in Maine but who is not a legal resident of Maine to apply for and obtain the \$13,000 homestead property tax exemption that is currently only available to a permanent resident of Maine.

Committee Amendment "A" (H-6)

This amendment requires a member of the Armed Forces who is permanently stationed in Maine to provide certification from the commander of the member's post, station or base that the member is permanently stationed at that location and provides that members of the National Guard or the Reserves of the United States Armed Forces are not eligible under this provision.

Senate Amendment "A" (S-342)

This amendment adds a mandate preamble to the bill.

Joint Standing Committee on Taxation

Enacted Law Summary

Public Law 2009, chapter 418 allows a member of the United States Armed Forces who is permanently stationed in Maine but who is not a legal resident of Maine to apply for and obtain the \$13,000 homestead property tax exemption that is currently only available to a permanent resident of Maine.

Public Law 2009, chapter 418 was enacted as an emergency measure effective June 17, 2009.

LD 57 An Act To Exempt Small Privately Owned Windmills from the Property Tax ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD DIAMOND	ONTP	

This bill provides a property tax exemption for a windmill or wind turbine with a peak generating capacity of no more than 50 kilowatts that is 50 feet or less in height as long as the generated energy is used solely by the owner of the property on which the windmill or wind turbine is located. The exemption is limited to 10 years.

LD 71 An Act To Raise the Property Tax Exemption for Veterans Carried Over

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS J NUTTING J		H-424

This bill increases the property tax exemption for post-World War I veterans and their eligible survivors from \$6,000 to \$7,000 to match the exemption given to veterans of World War I and earlier wars.

Committee Amendment "A" (H-424)

This amendment, which replaces the bill, provides for an annual 5% increase in the amount of the current \$6,000 property tax exemption for veterans.

This bill, as amended, was removed from the Special Appropriations Table, recommitted to the Joint Standing Committee on Taxation and carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

LD 72 An Act Regarding the Tax on Fuel Used for Commercial Agriculture, Fishing and Forestry ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDGECOMB JACKSON	ONTP	