

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 490 An Act To Amend the Laws Regarding Mandatory Electronic Filing of Certain Tax Returns

**P & S 12
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R	OTP-AM	S-36

This bill is emergency legislation that suspends implementation by the Department of Administrative and Financial Services, Bureau of Revenue Services of any rule expanding electronic filing of certain tax returns beginning April 1, 2009.

Committee Amendment "A" (S-36)

This amendment replaces the bill and requires the Department of Administrative and Financial Services, Bureau of Revenue Services to continue leniency in the granting of waivers from new electronic filing requirements and to report on the status of electronic filing and waivers by January 15th annually. The reporting requirement ends January 15, 2015.

Enacted Law Summary

Private and Special Law 2009, chapter 12 requires the Department of Administrative and Financial Services, Bureau of Revenue Services to continue leniency in the granting of waivers from new electronic filing requirements and to report on the status of electronic filing and waivers by January 15th annually. The reporting requirement ends January 15, 2015.

Private and Special Law 2009, chapter 12 is enacted as an emergency measure effective April 21, 2009.

LD 493 An Act To Provide Sensible Options for Tax Increment Financing Proceeds in Small Towns

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R	ONTP	

This bill clarifies the procedure for municipalities to jointly participate in a tax increment financing district and permits municipalities with a population of fewer than 1,500 persons singly or jointly to include certain regional and municipal improvements in project costs.

LD 539 An Act To Amend the Laws Governing the Allowable Uses of Tax Increment Financing Funds

PUBLIC 85

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H JACKSON	OTP-AM	H-93

Joint Standing Committee on Taxation

This bill allows for tax increment financing proceeds reserved for use by municipalities to be used for expenses relating to recreational trails to enhance recreational opportunities to promote economic growth.

Committee Amendment "A" (H-93)

This amendment provides that the allowable uses of tax increment financing proceeds for recreational trails may be located outside the tax increment financing district as long as they are located within the municipality. The amendment also requires that allowable recreational trails must be determined by the Department of Economic and Community Development to have significant potential to promote economic development.

Enacted Law Summary

Public Law 2009, chapter 85 allows for tax increment financing proceeds reserved for use by municipalities to be used for expenses relating to recreational trails to enhance recreational opportunities to promote economic growth. Trails may be located outside the tax increment financing district as long as they are located within the municipality. Trails must be determined by the Department of Economic and Community Development to have significant potential to promote economic development.

LD 540 An Act To Promote Forest Certification and Long-term Forest Management

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	OTP-AM	H-209

This bill changes the existing income tax credit for owners of forest land who have a management plan prepared by a professional forester from a maximum of \$200 every 10 years to \$400 in any 10-year period and adds forest certification and recertification costs as an allowed credit toward the \$400 cap.

Committee Amendment "A" (H-209)

This amendment reorganizes the language of the credit for clarity.

LD 540 was placed on the Special Appropriations Table and died on adjournment.

LD 545 An Act To Amend the Tax Exemption Regarding Leased Property

PUBLIC 425

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM MAJ ONTP MIN	S-142

This bill amends the tax exemption for the property of institutions and organizations to limit the tax exemption for leased property used by hospitals, health maintenance organizations or blood banks to personal property only.

Committee Amendment "A" (S-142)

This amendment delays until 2012 the implementation of the restriction of the property tax exemption for leased property used by a hospital, health maintenance organization or blood bank.