

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON TAXATION

June 2012

STAFF:

ELIZABETH F. COOPER, LEGISLATIVE ANALYST
WILLIAM B. GARDINER, LEGISLATIVE ANALYST
OFFICE OF FISCAL AND PROGRAM REVIEW
5 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1635

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STATE OF MAINE

125TH LEGISLATURE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

<i>CARRIED OVER</i>	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ...	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&S XXX</i>	<i>chapter # of enacted private & special law</i>
<i>PUBLIC XXX</i>	<i>chapter # of enacted public Law</i>
<i>RESOLVE XXX</i>	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 125th Legislature is Thursday, August 30, 2012. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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- 6. It adds administration of reports and payments by initiators of deposit under the beverage container laws to the list of duties assigned to the State Tax Assessor.
- 7. It clarifies that only the applicant may appeal to the State Board of Property Tax Review the decision of the assessors or municipal officers with respect to a request for abatement of property taxes on nonresidential property with a valuation of \$1,000,000 or greater.
- 8. It corrects the computation of the subtraction modification relating to bonus depreciation for property not used as the basis for the Maine capital investment credit.
- 9. It clarifies that the minimum taxability thresholds for nonresidents apply to the taxable year of the taxpayer rather than the calendar year.
- 10. It amends the definition of "fiduciary adjustment" to reflect the repeal of the requirement to reduce itemized deductions by the amount of any federal deduction for mortgage insurance premiums.
- 11. It clarifies the recapture provisions of the Maine capital investment credit.
- 12. It clarifies the application of the motor vehicle oil premium reimbursement to include exports by a distributor purchasing motor vehicle oil from another distributor who remitted the premium to the State to apply retroactively to taxes on premiums received on or after July 1, 2011, coinciding with the first reimbursement requests filed by distributors.

LD 1764

An Act To Reduce High-technology Tax Evasion and Theft

PUBLIC 526

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY WOODBURY	OTP-AM MAJ ONTP MIN	H-743

This bill prohibits the possession of automated sales suppression devices, which alter the amounts of sales made by a business for the express purpose of illegally withholding or skimming sales taxes paid by customers. For those persons who correct and fully report any previously underreported sales records before September 1, 2012, certain penalties are reduced but other existing financial liabilities are not reduced. The bill also authorizes the Department of Administrative and Financial Services, Bureau of Revenue Services to adopt routine technical rules to implement this interim compliance period. The bill also requires the bureau to report to the joint standing committee in January 2013 and December 2014 on efforts to detect and prevent crimes involving automated sales suppression devices.

Committee Amendment "A" (H-743)

This amendment changes the title of the bill, removes the emergency preamble and emergency clause from the bill and, like the bill, prohibits the possession of automated sales suppression devices, which alter the amounts of sales made by a business for the purpose of illegally withholding sales taxes paid by customers. It provides that a person who knowingly possesses, purchases or owns any automated sales suppression device or phantom-ware commits a Class D crime. It provides that a person who knowingly manufactures, sells, installs or transfers any automated sales suppression device or phantom-ware or possesses, purchases or owns with the intent to sell, install or transfer any automated sales suppression device or phantom-ware commits a Class C crime. The amendment removes the sections of the bill related to an interim compliance period and reporting by the Department of Administrative and Financial Services, Bureau of Revenue Services to the joint standing committee of the Legislature having jurisdiction over taxation matters on efforts to detect and prevent crimes involving automated sales suppression

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devices.

Enacted Law Summary

Public Law 2011, chapter 526 prohibits the possession of automated sales suppression devices, which alter the amounts of sales made by a business for the purpose of illegally withholding sales taxes paid by customers. It provides that a person who knowingly possesses, purchases or owns any automated sales suppression device or phantom-ware commits a Class D crime. It provides that a person who knowingly manufactures, sells, installs or transfers any automated sales suppression device or phantom-ware or possesses, purchases or owns with the intent to sell, install or transfer any automated sales suppression device or phantom-ware commits a Class C crime.

LD 1809 An Act To Apply the Sales Tax on Camper Trailers and Motor Homes PUBLIC 684
Purchased for Rental in the Same Manner as on Automobiles Purchased
for Rental

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK	OTP-AM MAJ ONTP MIN	H-795

This bill provides that camper trailers and motor homes are not subject to sales tax when purchased by a person engaged in the renting or leasing of those items and subjects the rental of those items to sales tax at the rate of 5%.

Committee Amendment "A" (H-795)

This amendment changes the reference to "camper trailer" to the definition used in the sales and use tax laws instead of the definition used in the property tax laws and adds an effective date.

Enacted Law Summary

Public Law 2011, chapter 684 provides that the purchase of camper trailers and motor homes are not subject to sales tax when purchased by a person engaged in the renting or leasing of those items and instead subjects the rental of those items to sales tax at the rate of 5%.

Public Law 2011, chapter 684 is effective October 1, 2012.

LD 1826 An Act To Revise the Income Tax Return Checkoffs PUBLIC 685

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ OTP-AM MIN	H-880

This bill is the majority report of the Joint Standing Committee on Taxation pursuant to Joint Order H.P. 1324.

It eliminates the voluntary contributions checkoffs from the Maine income tax return due in 2014 for tax years beginning on or after January 1, 2013. The bill eliminates voluntary contributions checkoffs for political parties, the Maine Endangered and Nongame Wildlife Fund, the Companion Animal Sterilization Fund, the Maine Children's Trust Incorporated, the Bone Marrow Screening Fund, the Maine Military Family Relief Fund, the Maine Veterans' Memorial Cemetery Maintenance Fund and the Maine Asthma and Lung Disease Research Fund, which are currently included in Part A of Schedule CP of the Maine income tax return. It requires the Department of