

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2524

S.P. 981

In Senate, February 8, 2000

An Act Concerning Technical Changes to the Tax Laws.

(EMERGENCY)

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Reference to the Committee on Taxation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator RUHLIN of Penobscot.
Cosponsored by Representative: GAGNON of Waterville.

2 ~~the names and social security numbers of delinquent payors of~~
3 ~~child support may be disclosed to an authorized representative of~~
4 ~~the Department of Human Services in the form of a list or~~
5 ~~automated computer match list.~~

6 **Sec. 12. 36 MRSA §193**, as amended by PL 1997, c. 668, §18, is
7 further amended to read:

8
9 **§193. Returns; declaration covering perjury; submission of**
10 **returns and funds by electronic means**

11 Any return, report or other document required to be made
12 pursuant to this Title must contain a declaration, in a form
13 prescribed by the State Tax Assessor, that the statements
14 contained in the return, report or other document are true and
15 made under the penalties of perjury. The assessor may allow the
16 filing of a return or document by electronic data submission or
17 by telephone. When an electronic tax return is filed by a
18 taxpayer or with the taxpayer's permission, the filing of that
19 return constitutes a sworn statement by the taxpayer, made under
20 the penalties of perjury, that the tax liability shown on the
21 return is correct. The assessor may also allow the payment of a
22 tax or the refund of a tax by the electronic transfer of funds.
23 In the case of a taxpayer that has \$200,000 or more in annual
24 withholding tax payments to the bureau or \$400,000 or more in
25 annual payments of any other single tax type, and in the case of
26 payroll processing companies as defined in Title 10, chapter 222,
27 the assessor may require payment or refund of a tax by electronic
28 funds transfer. For the purposes of this section, "tax" includes
29 unemployment insurance contributions required to be paid to the
30 State pursuant to Title 26. An electronic funds transfer allowed
31 or required by the assessor pursuant to this section is
32 considered a return. The assessor may adopt rules to establish
33 procedures necessary to implement the provisions of this section
34 and shall adopt rules in the event that payment of taxes by
35 electronic funds transfer is mandated. Any rule adopted pursuant
36 to this section is considered a routine technical rule for the
37 purposes of Title 5, chapter 375, subchapter II-A.

38
39 **Sec. 13. 36 MRSA §578, sub-§1**, as amended by PL 1997, c. 24,
40 Pt. C, §4 and affected by §18, is further amended to read:

41
42 **1. Organized areas.** The municipal assessors or chief
43 assessor of a primary assessing area shall adjust the State Tax
44 Assessor's 100% valuation per acre for each forest type of their
45 county by whatever ratio, or percentage of current just value, is
46 ~~then-being~~ applied to other property within the municipality to
47 obtain the assessed values. Forest land in the organized areas,
48 subject to taxation under this subchapter, must be taxed at the
49 property tax rate applicable to other property in the
50

2 municipality, ~~which rate is applied to the assessed values so~~
determined.

4 The State Tax Assessor shall pay any municipal claim found to be
in satisfactory form within 90 180 days after receipt of the
6 claim.

8 ~~In tax years beginning on or after April 1, 1988, the~~ The State
Tax Assessor shall determine annually the amount of acreage in
10 each municipality that is classified and taxed in accordance with
this subchapter. ~~A municipality actually levying and collecting~~
12 ~~municipal property taxes and within whose boundaries this acreage~~
lies Each such municipality is entitled to annual payments from
14 money appropriated by the Legislature provided it submits an
annual return in accordance with section 383 and provided it
16 achieves the appropriate minimum assessment ratio described in
section 327. ~~For the property tax year based on the status of~~
18 ~~property on April 1, 1988, the per acre reimbursement amount~~
~~increases from 15% to 24%. For property tax years based on the~~
20 ~~status of property on April 1, 1989 or thereafter, the~~ The per
acre reimbursement is 90% of the per acre tax revenue lost as a
22 result of this subchapter. For purposes of this section, the tax
lost is the tax that would have been assessed, but for this
24 subchapter, on the classified forest lands if they were assessed
according to the undeveloped acreage valuations used in the state
26 valuation then in effect, or according to the current local
valuation on undeveloped acreage, whichever is less, minus the
28 tax that was actually assessed on the same lands in accordance
with this subchapter. A municipality that fails to achieve the
30 minimum assessment ratio established in section 327 loses 10% of
the reimbursement provided by this section for each one
32 percentage point the minimum assessment ratio falls below the
ratio established in section 327.

34
36 No municipality may receive a reimbursement payment under this
section that would exceed an amount determined by calculating the
tree growth tax loss less the municipal savings in educational
38 costs attributable to reduced state valuation.

40 A. The tree growth tax loss is the adjusted tax that would
have been assessed, but for this subchapter, on the
42 classified forest lands if they were assessed according to
the undeveloped acreage valuations used in the state
44 valuation then in effect minus the tax that was actually
assessed on the same lands in accordance with this
46 subchapter.

48 In determining the adjusted tax that would have been
assessed, the tax rate to be used is computed by adding the
50 additional school support required by the modified state

2 valuation attributable to the increased valuation of forest
land to the original tax committed and dividing this sum by
4 the modified total municipal valuation. The adjusted tax
rate is then applied to the valuation of forest land based
6 on the undeveloped acreage valuations, adjusted by the
certified ratio, to determine the adjusted tax.

8 B. The municipal savings in educational costs is determined
by multiplying the school subsidy index by the change in
10 state valuation attributable to the use of the valuations
determined in accordance with this subchapter on classified
12 forest lands rather than their valuation using the
undeveloped acreage valuations used in the state valuation
14 then in effect.

16 **Sec. 14. 36 MRSA §1752, sub-§6-A**, as amended by PL 1989, c.
501, Pt. V, §§1 and 5, is further amended to read:

18 **6-A. Manufacturing facility.** "Manufacturing facility"
20 means a site at which ~~is~~ are located machinery and equipment used
directly and primarily in either the production of tangible
22 personal property intended to be sold or leased ultimately for
final use or consumption or the production of tangible personal
24 property pursuant to a contract with the United States Government
or any agency thereof. It includes the machinery and equipment
26 and all machinery, equipment, structures and facilities located
at the site and used in support of production or associated with
28 the production. "Manufacturing facility" does not include a site
that is not primarily engaged in the production of tangible
30 personal property.

32 **Sec. 15. 36 MRSA §1752, sub-§11, ¶B**, as amended by PL 1999, c.
488, §3 and c. 516, §2 and affected by §7, is repealed and the
34 following enacted in its place:

36 B. "Retail sale" does not include:

38 (1) Any casual sale;

40 (2) Any sale by a personal representative in the
42 settlement of an estate, unless the sale is made
44 through a retailer, or unless the sale is made in the
continuation or operation of a business;

46 (3) The sale, to a person engaged in the business of
48 renting automobiles, of automobiles, integral parts of
50 automobiles or accessories to automobiles, for rental
or for use in an automobile rented on a short-term
basis;

2 prescribed for the filing of a return is considered as filed on
3 that last day.

4 **Sec. 42. 36 MRSA §6215**, as enacted by PL 1987, c. 516, §§3
5 and 6, is amended to read:

6 **§6215. Extension of time for filing claims**

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8
9
10 In case of sickness, absence or other disability, or if, in
11 his the judgment of the State Tax Assessor, good cause exists,
12 the State-Tax-Assessor assessor may extend, for a period not to
13 exceed 6 months, the time for filing a claim. A request for an
14 extension may be submitted at any time during the 6-month
15 extension period.

16 **Sec. 43. Retroactivity.** Those sections of this Act that amend
17 the Maine Revised Statutes, Title 36, section 1760, subsections
18 23 and 25 apply retroactively to sales made on or after June 5,
19 1999.

20 **Emergency clause.** In view of the emergency cited in the
21 preamble, this Act takes effect when approved.

22
23
24 **SUMMARY**

25
26 This bill makes technical corrections, clarifications and
27 minor substantive changes to various laws concerning taxation.
28