

AMENDMENT TO LD 713 (CONCEPT DRAFT BILL)

Replace bill title with following:

“An Act to Exclude Data Centers from the Business Equipment Tax Exemption and Dirigo Business Incentives Programs and to Require the Maine Department of Economic and Community Development to Study Financial Incentives for Data Centers”

Replace bill with following:

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 36 MRSA §691, sub-§1, ¶A, sub-¶B is amended to read:

B. "Excluded person" means:

- (1) A public utility as defined in Title 35-A, section 102, subsection 13;
- (2) A person that provides radio paging service as defined in Title 35-A, section 102, subsection 15;
- (3) A person that provides mobile telecommunications services as defined in Title 35-A, section 102, subsection 9-A;
- (4) A cable television company as defined in Title 30-A, section 2001, subsection 2;
- (5) A person that provides satellite-based direct television broadcast services; ~~or~~
- (6) A person that provides multichannel, multipoint television distribution services-or;
- (7) A data center that begins operations on or after July 1, 2026.

Sec. 2. 36 MRSA §691, sub-§1, ¶H is enacted to read:

H. “Data center” means any facility in the State, which may be a freestanding structure or a facility within a larger structure, that primarily contains electronic equipment used to process, store and transmit digital information that uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

Sec. 3. 36 MRSA §5219-AAA, sub-§1, ¶C-1 is enacted to read:

C-1. “Data center” means any facility in the State, which may be a freestanding structure or a facility within a larger structure, that primarily contains electronic equipment used to process, store and transmit digital information that uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

Sec. 4. 36 MRSA §5219-AAA, sub-§3, ¶D is amended to read:

D. A business with a certificate of approval for one of the tax credits allowed under section 5219-RR or 5219-YY; ~~or~~

Sec. 5. 36 MRSA §5219-AAA, sub-§3, ¶E is amended to read:

AMENDMENT TO LD 713 (CONCEPT DRAFT BILL)

E. A business that has undergone a layoff within the past 2 tax years; or

Sec. 6. 36 MRSA §5219-AAA, sub-§3, ¶F is enacted to read:

F. A business that is a data center.

Sec. 7. Maine Department of Economic and Community Develop to study financial incentives that a data center may benefit from. The Maine Department of Economic and Community Development shall study potential financial incentives that a data center may benefit from based on current State laws. The Department of Economic and Community Development must submit a report, including suggested legislation, no later than November 4, 2026 to the joint standing committee having jurisdiction over taxation matters. The committee may report out legislation in 2027. For the purposes of this section, “data center” has the same meaning as in Title 36, section 691, subsection 1, paragraph H, of the Maine Revised Statutes.

SUMMARY

This amendment changes the title of and replaces the bill, which is a concept draft. The amendment defines data centers and excludes data centers from the business equipment tax exemption that begin operations on or after July 1, 2026 and excludes data centers from the Dirigo business incentives program. The amendment requires the Maine Department of Economic and Community Development to study potential financial incentives that a data center may benefit from based on current State laws. The Department must submit a report to the joint standing committee having jurisdiction over taxation matters no later than November 4, 2026.