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Date: (Filing No. H-)

TAXATION

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1393, L.D. 2078, “An Act to Establish the Electricity Cost Fairness Refundable Tax Credit”

Amend the bill by striking out the title and substituting the following:

'An Act to Exempt from Sales Tax the Sale and Delivery of All Residential Electricity'

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, current law provides a sales tax exemption for the sale and delivery of only some residential electricity, and this legislation expands that exemption to all residential electricity; and

Whereas, immediate relief from the high cost of residential electricity is necessary for customers in Maine; and

Whereas, to make the expanded exemption available for the sale and delivery of all residential electricity as early as possible in 2026, this legislation must take effect prior to the expiration of the 90-day period after adjournment; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 36 MRSA §1760, sub-§9-B, as amended by PL 2021, c. 713, §§1 to 3 and affected by §4, is further amended to read:

9-B. Residential electricity. Sale and delivery of residential electricity as follows:

COMMITTEE AMENDMENT

1 A. ~~The~~ Before July 1, 2026, the first 750 kilowatt hours of residential electricity per
2 month;

3 B. ~~Off-peak~~ Before July 1, 2026, off-peak residential electricity used for space heating
4 or water heating by means of an electric thermal storage device. For the purpose of
5 this paragraph, "off-peak residential electricity" means the off-peak delivery of
6 residential electricity pursuant to tariffs on file with the Public Utilities Commission
7 and the electricity supplied; ~~and~~

8 C. ~~Residential~~ Before July 1, 2026, residential electricity consumed by eligible
9 customers enrolled in a low-income assistance program implemented pursuant to Title
10 35-A, section 3214, subsection 2 or an arrearage management program implemented
11 pursuant to Title 35-A, section 3214, subsection 2-A.; ~~and~~

12 D. Beginning July 1, 2026, the sale and delivery of all residential electricity.

13 For the purpose of this subsection, "residential electricity" means electricity furnished to
14 buildings designed and used for both human habitation and sleeping, with the exception of
15 hotels. When residential electricity is furnished through one meter to more than one
16 residential unit and when the transmission and distribution utility applies its tariff on a per
17 unit basis, the furnishing of electricity is considered a separate sale for each unit to which
18 the tariff applies. For the purpose of this subsection, "delivery" means transmission and
19 distribution.

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

22 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
23 number to read consecutively.

24 **SUMMARY**

25 This amendment replaces the bill, changes the title and expands the sales tax exemption
26 for the sale and delivery of residential electricity to cover all sales of residential electricity
27 beginning July 1, 2026. This amendment adds an emergency preamble and emergency
28 clause to the bill to allow the expanded exemption to take effect prior to the expiration of
29 the 90-day period after adjournment.

30 **FISCAL NOTE REQUIRED**

31 **(See attached)**