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Legislative Document

No. 760

H.P. 513

House of Representatives, March 5, 2015

An Act To Increase the Deduction for Pension Income

Reference to the Committee on Taxation suggested and ordered printed.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative LOCKMAN of Amherst.
Cosponsored by Senator BRAKEY of Androscoggin and
Representatives: AUSTIN of Gray, CHACE of Durham, EDGECOMB of Fort Fairfield,
GINZLER of Bridgton, KINNEY of Knox, SIROCKI of Scarborough, STETKIS of Canaan,
WARD of Dedham.

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

2 **Sec. 1. 36 MRSA §5122, sub-§2, ¶M-1**, as amended by PL 2013, c. 546, §13, is
3 further amended to read:

4 M-1. For tax years beginning on or after January 1, 2014, for each individual who is
5 a primary recipient of retirement plan benefits under an employee retirement plan or
6 an individual retirement account, an amount that is the lesser of the aggregate of
7 retirement plan benefits under employee retirement plans or individual retirement
8 accounts included in the individual's federal adjusted gross income and the pension
9 deduction amount reduced by the total amount of the individual's social security
10 benefits and railroad retirement benefits paid by the United States, but not less than
11 \$0. The social security benefits and railroad retirement benefits reduction does not
12 apply to benefits paid under a military retirement plan.

13 For purposes of this paragraph, the following terms have the following meanings.

14 (1) "Employee retirement plan" means a state, federal or military retirement plan
15 or any other retirement benefit plan established and maintained by an employer
16 for the benefit of its employees under the Code, Section 401(a), Section 403 or
17 Section 457(b), except that distributions made pursuant to a Section 457(b) plan
18 are not eligible for the deduction provided by this paragraph if they are made
19 prior to age 55 and are not part of a series of substantially equal periodic
20 payments made for the life of the primary recipient or the joint lives of the
21 primary recipient and that recipient's designated beneficiary.

22 (2) "Individual retirement account" means an individual retirement account
23 under Section 408 of the Code, a Roth IRA under Section 408A of the Code, a
24 simplified employee pension under Section 408(k) of the Code or a simple
25 retirement account for employees under Section 408(p) of the Code.

26 (3) "Military retirement plan" means retirement plan benefits received as a result
27 of service in the active or reserve components of the Army, Navy, Air Force,
28 Marines or Coast Guard.

29 (4) "Pension deduction amount" means \$10,000 for tax years beginning ~~on or~~
30 after January 1, in 2014 and \$35,000 for tax years beginning on or after January
31 1, 2015.

32 (5) "Primary recipient" means the individual upon whose earnings or
33 contributions the retirement plan benefits are based or the surviving spouse of
34 that individual.

35 (6) "Retirement plan benefits" means employee retirement plan benefits, except
36 pick-up contributions for which a subtraction is allowed under paragraph E,
37 reported as pension or annuity income for federal income tax purposes and
38 individual retirement account benefits reported as individual retirement account
39 distributions for federal income tax purposes. "Retirement plan benefits" does
40 not include distributions that are subject to the tax imposed by the Code, Section
41 72(t);

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SUMMARY

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This bill increases from \$10,000 to \$35,000 the maximum amount of pension benefits

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that are not included in income for Maine income tax purposes. The increased deduction

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applies to tax years beginning on or after January 1, 2015.