



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 921

H.P. 681

House of Representatives, March 8, 2011

An Act To Clarify the Collection Process for the Commercial Forestry Excise Tax

Reference to the Committee on Taxation suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative McCABE of Skowhegan.
Cosponsored by Senator TRAHAN of Lincoln and
Representatives: BERRY of Bowdoinham, BLACK of Wilton, CRAY of Palmyra, GIFFORD
of Lincoln, HARVELL of Farmington, KENT of Woolwich, O'BRIEN of Lincolnville.

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

2 **Sec. 1. 36 MRSA §2726, sub-§4**, as enacted by PL 1985, c. 514, §2, is amended
3 to read:

4 **4. Supplemental assessments.** Supplemental assessments may be made in
5 accordance with section 141-, subsection 1, except that the following limitations apply:

6 A. If a landowner who has failed to file a return under this chapter signs an affidavit
7 stating that the landowner did not know of the requirement to file a return under this
8 chapter, a supplemental assessment may be made only for the current year and the 2
9 preceding years. Interest and penalties may not be assessed; and

10 B. If a landowner knew of the requirement to file a return under this chapter and fails
11 to file an affidavit as provided under paragraph A or the assessor determines that the
12 affidavit under paragraph A was falsely filed, the supplemental assessment may be
13 made for the current year and the 5 preceding years plus interest and penalties.

14 **Sec. 2. Amnesty.** The State Tax Assessor shall report by December 15, 2011 to the
15 Joint Standing Committee on Taxation regarding whether an amnesty program designed
16 to permit landowners who have not been paying the commercial forestry excise tax and
17 who voluntarily report to the assessor to have all prior taxes, interest and penalties waived
18 except for the 2 years prior to reporting will contribute to the State's ability to enforce
19 and collect revenue due under the tax.

20 **SUMMARY**

21 This bill limits the period of assessments for back taxes under the commercial
22 forestry excise tax and provides that landowners who sign an affidavit stating that they
23 were unaware of the requirement to file a return may be assessed for the current year and
24 the 2 previous years only, without the accumulation of interest or penalties.

25 The bill also directs the State Tax Assessor to evaluate whether an amnesty program
26 might contribute to the State's ability to enforce and collect revenue due under the tax.