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TAXATION

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT " " to H.P. 183, L.D. 262, "An Act To Combat Hunger by Creating a Tax Credit of 10 Percent of Wholesale Market Prices up to \$5,000 Annually for Businesses Engaged in Food Production for Donations of Food to Tax-exempt Organizations"

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

'An Act To Combat Hunger by Creating an Income Tax Credit of up to \$5,000 Annually for Businesses Engaged in Food Production for Donations to Tax-exempt Organizations'

Amend the bill in section 1 in §5216-E in subsection 1 by inserting after paragraph C the following:

'D. "Credit base" means the amount claimed as a deduction by the taxpayer under Section 170 of the Code for the tax year for charitable contributions of agricultural, aquacultural or fishing products intended for human consumption to a qualified donee.'

Amend the bill in section 1 in §5216-E in subsection 1 by striking out all of paragraph E (page 1, lines 15 to 22 in L.D.) and inserting the following:

'E. "Qualified donee" means an organization described in the Code, Section 170(c)(2) or (3) that is located in this State and that provides food to low-income individuals in this State without charging a fee for the food or requiring any other type of compensation from low-income individuals.'

Amend the bill in section 1 in §5216-E in subsection 1 by relettering the paragraphs to read alphabetically.

Amend the bill in section 1 in §5216-E by striking out all of subsection 2 (page 1, lines 23 to 34 in L.D.) and inserting the following:

'2. Credit. For tax years beginning on or after January 1, 2022, a person engaged in commercial agricultural production, commercial aquacultural production or commercial fishing may claim a credit against the taxes imposed by this Part equal to 10% of the credit base. The credit under this section may not exceed \$5,000 for a taxable year. A person

COMMITTEE AMENDMENT

1 applying for a credit under this section must submit with the application a written statement
2 from the qualified donee that the products donated will be used by the qualified donee for
3 charitable purposes and for the care of individuals who are ill, needy or malnourished.'

4 Amend the bill by striking out all of section 2 and inserting the following:

5 '**Sec. 2. Appropriations and allocations.** The following appropriations and
6 allocations are made.

7 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

8 **Revenue Services, Bureau of 0002**

9 Initiative: Provides one-time funding for computer programming to add lines to the
10 individual, fiduciary and corporate income tax returns.

11	GENERAL FUND	2021-22	2022-23
12	All Other	\$0	\$33,000
13			
14	GENERAL FUND TOTAL	\$0	\$33,000

15 '

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

18 **SUMMARY**

19 This amendment provides definitions necessary for administration of the food donation
20 credit and provides that the calculation of the credit is based on the credit base that is used
21 for calculation of deductions under the federal Internal Revenue Code of 1986. The
22 amendment adds an appropriations and allocations section.

23 **FISCAL NOTE REQUIRED**

24 **(See attached)**