

Date: (Filing No. S-)

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STATE OF MAINE
SENATE
127TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT " " to COMMITTEE AMENDMENT "A" to S.P. 312, L.D. 867, Bill, "An Act To Provide Tax Fairness and To Lower Medical Expenses for Patients under the Maine Medical Use of Marijuana Act"

Amend the amendment by striking out everything after the title and inserting the following:

'Sec. 1. 22 MRSA §2430, sub-§3, as enacted by PL 2009, c. 631, §45 and affected by §51, is amended to read:

3. Uses of the fund. The fund may be used for expenses of the department to administer this chapter, as allocated by the Legislature. To the extent that funds remain in the fund after the expenses of the department to administer this chapter, any remaining funds must be used to fund the cost of the tax deductions provided pursuant to Title 36, section 5122, subsection 2, paragraphs PP and QQ and Title 36, section 5200-A, subsection 2, paragraph BB. By June 1st annually, the State Tax Assessor shall determine the cost of those deductions during the prior calendar year and report that amount to the State Controller, who shall transfer that amount from the remaining funds in the fund to the General Fund.

Sec. 2. 36 MRSA §5122, sub-§2, ¶¶PP and QQ are enacted to read:

PP. For taxable years beginning on or after January 1, 2016, an amount equal to the deduction disallowed under the Code, Section 280E related to carrying on a trade or business as a registered dispensary as defined in Title 22, section 2422, subsection 6.

QQ. For taxable years beginning on or after January 1, 2016, an amount equal to the amount paid for medical marijuana purchased in accordance with the Maine Medical Use of Marijuana Act by a qualifying patient, as defined in Title 22, section 2422, subsection 9, except that the amount that may be subtracted under this paragraph is limited to the amount that exceeds the applicable threshold under the Code, Sections 213(a) and 213(f) when added to the allowable medical expense deduction under the Code, Section 213.

Sec. 3. 36 MRSA §5200-A, sub-§2, ¶BB is enacted to read:

1 BB. For taxable years beginning on or after January 1, 2016, an amount equal to the
2 deduction disallowed under the Code, Section 280E related to carrying on a trade or
3 business as a registered dispensary as defined in Title 22, section 2422, subsection 6.

4 **Sec. 4. Appropriations and allocations.** The following appropriations and
5 allocations are made.

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

7 **Revenue Services, Bureau of 0002**

8 Initiative: Provides funding for computer programming costs.

9	GENERAL FUND	2015-16	2016-17
10	All Other	\$0	\$33,000
11			
12	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$33,000</u>
13			

14 **SUMMARY**

15 This amendment changes the effective date of the bill as amended by Committee
16 Amendment "A" to January 1, 2016. It also transfers funds remaining in the Medical Use
17 of Marijuana Fund after the expenses of the Department of Health and Human Services to
18 the General Fund for the purpose of funding tax deductions for medical marijuana
19 dispensary business expenses and for the cost of medical marijuana purchased by
20 qualified patients under the Maine Medical Use of Marijuana Act.

21 This amendment also changes the allocation of the deductions in the Maine Revised
22 Statutes.

23 **FISCAL NOTE REQUIRED**

24 **(See attached)**

25 SPONSORED BY: _____

26 (Senator HAMPER)

27 COUNTY: Oxford