CHAPTER 817

IMPOSITION OF TAX ON CORPORATIONS

§5200. Imposition and rate of tax

1. Imposition and rate of tax prior to 2018. For tax years beginning before January 1, 2018, a tax is imposed for each taxable year at the following rates on each taxable corporation and on each group of corporations that derives income from a unitary business carried on by 2 or more members of an affiliated group:

If the income is:	The tax is:
Not over $25,000	3.5% of the income
$25,000 but not over $75,000	$875 plus 7.93% of the excess over $25,000
$75,000 but not over $250,000	$4,840 plus 8.33% of the excess over $75,000
$250,000 or more	$19,418 plus 8.93% of the excess over $250,000

In the case of an affiliated group of corporations engaged in a unitary business with activity taxable only by Maine, the rates provided in this subsection are applied only to the first $250,000 of the Maine net income of the entire group and must be apportioned equally among the taxable corporations unless those taxable corporations jointly elect a different apportionment. The balance of the Maine net income of the entire group is taxed at 8.93%.

In the case of an affiliated group of corporations engaged in a unitary business with activity taxable both within and without this State, the rates provided in this subsection are applied only to the first $250,000 of the net income of the entire group and must be apportioned equally among the taxable corporations unless those taxable corporations jointly elect a different apportionment. The balance of the net income of the entire group is taxed at 8.93%.
[PL 2017, c. 474, Pt. E, §1 (AMD).]

1-A. Imposition and rate of tax beginning 2018. For tax years beginning on or after January 1, 2018, a tax is imposed for each taxable year at the following rates on each taxable corporation and on each group of corporations that derives income from a unitary business carried on by 2 or more members of an affiliated group:

If the income is:	The tax is:
Not over $350,000	3.5% of the income
$350,000 but not over $1,050,000	$12,250 plus 7.93% of the excess over $350,000
$1,050,000 but not over $3,500,000	$67,760 plus 8.33% of the excess over $1,050,000
$3,500,000 or more	$271,845 plus 8.93% of the excess over $3,500,000

In the case of an affiliated group of corporations engaged in a unitary business with activity taxable only by Maine, the rates provided in this subsection are applied only to the first $3,500,000 of the Maine net income of the entire group and must be apportioned equally among the taxable corporations unless those taxable corporations jointly elect a different apportionment. The balance of the Maine net income of the entire group is taxed at 8.93%.

In the case of an affiliated group of corporations engaged in a unitary business with activity taxable both within and without this State, the rates provided in this subsection are applied only to the first $3,500,000 of the net income of the entire group and must be apportioned equally among the taxable corporations unless those taxable corporations jointly elect a different apportionment. The balance of the net income of the entire group is taxed at 8.93%.
[PL 2017, c. 474, Pt. E, §2 (NEW).]

2. Business activity only within Maine. For purposes of subsections 1 and 1-A, with respect to a taxable corporation or group of corporations that derive income from a unitary business carried on by 2 or more members of an affiliated group with income from business activity that is taxable only by Maine, "income" means Maine net income.
[PL 2017, c. 474, Pt. E, §3 (AMD).]

3. Business activity within and outside Maine. For purposes of subsections 1 and 1-A, with respect to a taxable corporation with income from business activity that is taxable both within and without this State, "income" means the corporation's net income. The tax amount computed under subsections 1 and 1-A must then be apportioned under the provisions of chapter 821 to determine the amount of tax imposed on that corporation.
[PL 2017, c. 474, Pt. E, §3 (AMD).]

4. Business activity within and outside Maine; unitary business. For purposes of subsections 1 and 1-A, with respect to taxable corporations that derive income from a unitary business carried on by 2 or more members of an affiliated group with business activity that is taxable both within and without this State, "income" means the net income of the entire group. The tax amount computed under subsections 1 and 1-A must then be apportioned under the provisions of chapter 821 for the entire group to determine the amount of tax imposed on the taxable corporations.
[PL 2017, c. 474, Pt. E, §3 (AMD).]

5. Net income. For purposes of this section, "net income" means, for any taxable year, the taxable income of the taxpayer for that taxable year under the laws of the United States as modified by section 5200-A.
[PL 2005, c. 457, Pt. FFF, §1 (NEW); PL 2005, c. 457, Pt. FFF, §2 (AFF).]

6. Taxable in another state. For purposes of this section, a taxpayer is taxable in another state if in that state the taxpayer is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax, or that state has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the state does or does not.
[PL 2005, c. 457, Pt. FFF, §1 (NEW); PL 2005, c. 457, Pt. FFF, §2 (AFF).]

SECTION HISTORY

P&SL 1969, c. 154, §F1 (NEW). PL 1973, c. 580, §2 (AMD). PL 1973, c. 592, §21 (RPR). PL 1973, c. 788, §193 (RPR). PL 1977, c. 686, §12 (RPR). PL 1981, c. 706, §39 (RPR). PL 1983, c. 477, Pt. F, Subpt. 3, §1 (RPR). PL 1985, c. 675, §§1,5 (AMD). PL 2001, c. 396, §35 (AMD). PL 2005, c. 457, §FFF1 (RPR). PL 2005, c. 457, §FFF2 (AFF). PL 2005, c. 618, §6 (AMD). PL 2005, c. 618, §22 (AFF). PL 2017, c. 474, Pt. E, §§1-3 (AMD).

§5200-A. Modifications

1. Additions. The taxable income of the taxpayer under the laws of the United States shall be increased by:

A. The amount of any deduction for tax imposed by this Part or by the equivalent taxing statute of another state; [PL 1981, c. 704, §4 (NEW).]

B. For income tax years beginning before January 1, 2002, the amount of any net operating loss in the taxable year that has been carried back to previous taxable years pursuant to the Code, Section 172; [PL 2003, c. 390, §38 (AMD); PL 2003, c. 390, §53 (AFF).]

C. The amount of any deduction claimed for the taxable year under the Code, Section 172, which has previously been used to offset the modifications provided by this subsection; [PL 1987, c. 504, §19 (AMD).]

D. [PL 1987, c. 504, §20 (RP).]

E. [PL 1981, c. 704, §9 (RP).]

F. [PL 1987, c. 504, §21 (RP).]

G. [PL 2001, c. 583, §17 (RP).]

H. The absolute value of the amount of any net operating loss arising from tax years beginning on or after January 1, 1989 but before January 1, 1993 and the absolute value of the amount of any net operating loss arising from tax years beginning on or after January 1, 2002 that, pursuant to the United States Internal Revenue Code, Section 172, are being carried back for federal income tax purposes to the taxable year by the taxpayer; [PL 2001, c. 559, Pt. J, §3 (AMD).]

I. Interest or dividends on obligations or securities of any state other than this State, or of a political subdivision or authority of any state other than this State, to the extent that interest or those dividends are not included in the taxpayer's federal taxable income; [PL 2003, c. 390, §39 (AMD).]

J. [PL 1995, c. 641, §6 (RP); PL 1995, c. 641, §7 (AFF).]

K. [PL 2025, c. 113, Pt. C, §3 (RP).]

L. For income tax years beginning on or after January 1, 1997, all items of loss, deduction and other expense of a financial institution subject to the tax imposed by section 5206, to the extent that those items are passed through to the taxpayer for federal income tax purposes, including, if the financial institution is an S corporation, the taxpayer's pro rata share and, if the financial institution is a partnership or limited liability company, the taxpayer's distributive share. An addition may not be made under this paragraph for any losses recognized on the disposition by a taxpayer of an ownership interest in a financial institution; [PL 2001, c. 559, Pt. GG, §14 (AMD); PL 2001, c. 559, Pt. GG, §26 (AFF).]

M. The absolute value of the amount of any net operating loss arising from a tax year beginning or ending in 2001 that the taxpayer, pursuant to Section 102 of the federal Job Creation and Worker Assistance Act of 2002, Public Law 107-147, carries back more than 2 years to the taxable year for federal income tax purposes; [PL 2001, c. 700, §5 (AMD).]

N. With respect to property placed in service during the taxable year, an amount equal to the net increase in depreciation or expensing attributable to:

(1) For taxable years beginning on or after January 1, 2002 but prior to January 1, 2006, a 30% bonus depreciation deduction claimed by the taxpayer pursuant to Section 101 of the federal Job Creation and Worker Assistance Act of 2002, Public Law 107-147 with respect to property placed in service during the taxable year;

(2) For taxable years beginning on or after January 1, 2002 but prior to January 1, 2006, a 50% bonus depreciation deduction claimed by the taxpayer pursuant to Section 201 of the federal Jobs and Growth Tax Relief Reconciliation Act of 2003, Public Law 108-27 with respect to property placed in service during the taxable year; and

(3) For taxable years beginning on or after January 1, 2003 but prior to January 1, 2011, the increase in aggregate cost under Section 179 of the Code arising from amendments to the Code

applicable to tax years beginning on or after January 1, 2003; [PL 2011, c. 380, Pt. O, §9 (AMD).]

O. [PL 2009, c. 434, §74 (RP).]

P. [PL 2009, c. 434, §75 (RP).]

Q. [PL 2003, c. 451, Pt. E, §7 (RP).]

R. [PL 2003, c. 451, Pt. E, §7 (RP).]

S. [PL 2023, c. 360, Pt. B, §8 (RP).]

T. For taxable years beginning on or after January 1, 2008 but before January 1, 2011, an amount equal to the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the Code, Section 168(k) arising from amendments to the Code applicable to taxable years beginning on or after January 1, 2008; [PL 2011, c. 380, Pt. O, §10 (AMD).]

U. For tax years beginning in 2008, 10% of the absolute value in excess of $100,000 of any net operating loss that, pursuant to the Code, Section 172, is being carried over for federal income tax purposes to the taxable year by the taxpayer; [PL 2011, c. 240, §33 (AMD).]

V. For any taxable year beginning in 2009, 2010 or 2011, an amount equal to the absolute value of any net operating loss carry-forward claimed for purposes of the federal income tax; [PL 2011, c. 90, Pt. H, §4 (AMD); PL 2011, c. 90, Pt. H, §8 (AFF).]

REVISOR'S NOTE: (Paragraph V as enacted by PL 2009, c. 213, Pt. BBBB, §12 is REALLOCATED TO TITLE 36, SECTION 5200-A, SUBSECTION 1, PARAGRAPH W)

W. **(REALLOCATED FROM T. 36, §5200-A, sub-§1, ¶V)** [PL 2023, c. 360, Pt. B, §9 (RP).]

X. The amount claimed as a deduction in determining federal taxable income that is included in the credit for wellness programs under section 5219-FF; [PL 2011, c. 644, §20 (AMD).]

Y. For taxable years beginning in 2011 and 2012:

(1) An amount equal to the depreciation deduction claimed by the taxpayer under the Code, Section 168(k) with respect to property placed in service in the State during the taxable year for which a credit is claimed under section 5219-GG; and

(2) An amount equal to the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the Code, Section 168(k) with respect to property for which a credit is not claimed under section 5219-GG; [PL 2013, c. 368, Pt. TT, §12 (AMD).]

Z. [PL 2019, c. 401, Pt. C, §8 (RP); PL 2019, c. 401, Pt. C, §16 (AFF).]

AA. For taxable years beginning in 2013:

(1) An amount equal to the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the Code, Section 168(k) with respect to property placed in service in the State during the taxable year for which a credit is claimed under section 5219-JJ for that taxable year; and

(2) An amount equal to the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the Code, Section 168(k) with respect to property for which a credit is not claimed under section 5219-JJ; [PL 2015, c. 388, Pt. A, §9 (AMD).]

BB. For taxable years beginning in 2014:

(1) An amount equal to the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the Code, Section 168(k) with respect to property placed in service in the State during the taxable year for which a credit is claimed under section 5219-MM for that taxable year; and

(2) An amount equal to the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the Code, Section 168(k) with respect to property for which a credit is not claimed under section 5219-MM; and [PL 2015, c. 388, Pt. A, §10 (AMD).]

CC. For taxable years beginning on or after January 1, 2015:

(1) An amount equal to the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the Code, Section 168(k) with respect to property placed in service in the State during the taxable year for which a credit is claimed under section 5219-NN for that taxable year; and

(2) An amount equal to the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the Code, Section 168(k) with respect to property for which a credit is not claimed under section 5219-NN. [PL 2015, c. 388, Pt. A, §11 (NEW).]

DD. [PL 2021, c. 1, Pt. H, §3 (RP); PL 2021, c. 1, Pt. H, §5 (AFF).]

EE. An amount equal to the taxpayer's deduction claimed in accordance with the Code, Section 965(c). [PL 2017, c. 474, Pt. D, §1 (NEW); PL 2017, c. 474, Pt. D, §4 (AFF).]

FF. An amount equal to the taxpayer's global intangible low-taxed income deduction claimed in accordance with the Code, Section 250(a)(1)(B) and, for tax years beginning on or after January 1, 2020, an amount equal to the taxpayer's deduction claimed in accordance with the Code, Section 250(a). [PL 2021, c. 1, Pt. U, §1 (AMD).]

GG. For taxable years beginning on or after January 1, 2019 and before January 1, 2021, the amount of the taxpayer's federal business interest deduction for the taxable year that exceeds the limitation for that deduction contained in the Code, Section 163(j) applying a rate of 30% to adjusted taxable income for the purposes of the Code, Section 163(j)(1)(B) without regard to the special rule described in the Code, Section 163(j)(10)(A)(i). [PL 2021, c. 1, Pt. E, §3 (NEW).]

HH. For taxable years beginning after January 1, 2019 and before January 1, 2020, an amount equal to the difference between the taxpayer's charitable deduction as determined under the Code, Section 170 excluding application of the amendments made by Section 2205 of the federal Coronavirus Aid, Relief, and Economic Security Act, Public Law 116-136, and the taxpayer's charitable deduction as determined under the Code, Section 170 including application of the amendments made by federal Public Law 116-136, Section 2205. [PL 2021, c. 1, Pt. G, §1 (NEW).]

KK. For each taxable year beginning on or after January 1, 2021, an amount equal to any increase in deductions allowed for federal income tax purposes pursuant to Division EE, Section 210 of the federal Consolidated Appropriations Act, 2021, Public Law 116-260. [PL 2021, c. 1, Pt. X, §2 (NEW).]

[PL 2025, c. 113, Pt. C, §3 (AMD).]

2. Subtractions. The taxable income of the taxpayer under the laws of the United States shall be decreased by:

A. Income included in the taxpayer's federal taxable income that, under the laws of the United States, is exempt from taxation by states; [PL 2003, c. 390, §41 (AMD).]

B. The amount, "foreign dividend gross-up," added to income under the Code, Section 78; [PL 1987, c. 504, §22 (RPR).]

C. An amount equal to the reduction in salaries and wages expense for federal income tax purposes associated with the taxpayer's federal work opportunity credit as determined under the Code, Section 51 or empowerment zone employment credit as determined under the Code, Section 1396; [PL 2005, c. 218, §55 (AMD).]

D. [PL 1987, c. 504, §23 (RP).]

E. [PL 2001, c. 177, §4 (RP).]

F. Income this State is prohibited from taxing under the Constitution of Maine or the United States Constitution to the extent that it is included in the taxpayer's federal taxable income. The amount subtracted must be decreased by any expenses incurred in production of that income that were deducted in determining federal taxable income; [PL 2003, c. 390, §43 (AMD).]

G. Fifty percent of the apportionable dividend income, net of related expenses and other related deductions deducted in computing federal taxable income, the taxpayer received during the taxable year from an affiliated corporation that is not included with the taxpayer in a Maine combined report. Dividend income does not include subpart F income, as defined in the Code, Section 952, income included in federal taxable income in accordance with the Code, Section 951A or income included in federal taxable income in accordance with the Code, Section 965. Any amount subtracted from federal taxable income under this paragraph must be excluded from the sales factor of any apportionment formula employed to attribute income to this State; [PL 2017, c. 474, Pt. D, §2 (AMD); PL 2017, c. 474, Pt. D, §4 (AFF).]

H. For each taxable year subsequent to the year of the loss, an amount equal to the absolute value of the net operating loss arising from tax years beginning on or after January 1, 1989 but before January 1, 1993 and the absolute value of the amount of any net operating loss arising from tax years beginning on or after January 1, 2002, for which federal taxable income was increased under subsection 1, paragraph H and that, pursuant to the Code, Section 172, was carried back for federal income tax purposes, less the absolute value of loss used in the taxable year of loss to offset any addition modification required by subsection 1, but only to the extent that:

(1) Maine taxable income is not reduced below zero;

(2) The taxable year is within the allowable federal period for carry-over;

(3) The amount has not been previously used as a modification pursuant to this subsection;

(4) For taxable years beginning in 2008, the amount does not exceed $100,000. In the case of an affiliated group of corporations engaged in a unitary business, the $100,000 threshold applies with respect to the entire affiliated group of corporations; and

(5) The modification under this paragraph is not claimed for any tax year beginning in 2009, 2010 or 2011. The amount not deducted as the result of the restriction with respect to tax years beginning in 2009, 2010 or 2011 may be deducted in any tax year beginning after December 31, 2011, but only to the extent that the requirements of subparagraphs (1) and (3) are met and the taxable year is within the allowable federal period for carry-over plus the number of years that the net operating loss carry-over adjustment was not deducted as a result of the restriction with respect to tax years beginning in 2009, 2010 or 2011; [PL 2011, c. 240, §34 (AMD).]

I. For income tax years beginning on or after January 1, 1997, all items of income, gain, interest, dividends, royalties and other income of a financial institution subject to the tax imposed by section 5206, to the extent that those items are passed through to the taxpayer for federal income tax purposes, including, if the financial institution is an S corporation, the taxpayer's pro rata share and, if the financial institution is a partnership or limited liability company, the taxpayer's distributive share. A subtraction may not be made under this paragraph for:

(1) Income of the taxpayer earned on interest-bearing or similar accounts of the taxpayer at a financial institution as a customer of that financial institution;

(2) Any dividends or other distributions with respect to a taxpayer's ownership interest in a financial institution; and

(3) Any gain recognized on the disposition by the taxpayer of an ownership interest in a financial institution; [PL 1999, c. 708, §39 (AMD).]

J. An amount equal to an income tax refund to the taxpayer by this State or another state of the United States that is included in that taxpayer's federal taxable income for the taxable year under the Code, but only to the extent that:

(1) Maine net income is not reduced below zero; and

(2) The amount to be refunded from this State or another state of the United States has not been previously used as a modification pursuant to this subsection.

If this modification results in Maine net income that is less than zero for the taxable year, the excess negative modification amount may be carried forward in the same manner as a net operating loss deduction to a taxable year that is within the allowable federal period for carrying forward net operating losses, subject to the above limitations; [PL 2003, c. 390, §45 (AMD); PL 2003, c. 390, §53 (AFF).]

K. Interest or dividends on obligations or securities of this State and its political subdivisions and authorities to the extent included in federal taxable income; [PL 2001, c. 559, Pt. GG, §17 (AMD); PL 2001, c. 559, Pt. GG, §26 (AFF).]

L. An amount equal to the absolute value of any net operating loss arising from a tax year beginning or ending in 2001 for which federal taxable income was increased under subsection 1, paragraph M and that, pursuant to Section 102 of the federal Job Creation and Worker Assistance Act of 2002, Public Law 107-147, was carried back more than 2 years to the taxable year for federal income tax purposes, but only to the extent that:

(1) Maine taxable income is not reduced below zero;

(2) The taxable year is either within 2 years prior to the year in which the loss arose or within the allowable federal period for carry-over of net operating losses;

(3) The amount has not been previously used as a modification pursuant to this subsection;

(4) For taxable years beginning in 2008, the amount does not exceed $100,000. In the case of an affiliated group of corporations engaged in a unitary business, the $100,000 threshold applies with respect to the entire affiliated group of corporations; and

(5) The modification under this paragraph is not claimed for any tax year beginning in 2009, 2010 or 2011. The amount not deducted as the result of the restriction with respect to tax years beginning in 2009, 2010 or 2011 may be deducted in any tax year beginning after December 31, 2011, but only to the extent that the requirements of subparagraphs (1) and (3) are met and the taxable year is within the allowable federal period for carry-over plus the number of years that the net operating loss carry-over adjustment was not deducted as a result of the restriction with respect to tax years beginning in 2009, 2010 or 2011; [PL 2009, c. 213, Pt. ZZZ, §10 (AMD).]

M. A fraction of any amount previously added back by the taxpayer to federal taxable income pursuant to subsection 1, paragraph N.

(1) With respect to property first placed in service during taxable years beginning in 2002, the adjustment under this paragraph is available for each year during the recovery period, beginning 2 years after the beginning of the taxable year during which the property was first placed in service. The fraction is equal to the amount added back under subsection 1, paragraph N with respect to the property, divided by the number of years in the recovery period minus 2.

(2) With respect to all other property, for the taxable year immediately following the taxable year during which the property was first placed in service, the fraction allowed by this

paragraph is equal to 5% of the amount added back under subsection 1, paragraph N with respect to the property. For each subsequent taxable year during the recovery period, the fraction is equal to 95% of the amount added back under subsection 1, paragraph N with respect to the property, divided by the number of years in the recovery period minus 2.

In the case of property expensed pursuant to Section 179 of the Code, the term "recovery period" means the recovery period that would have been applicable to the property had Section 179 not been applied; [PL 2005, c. 644, §8 (AMD).]

N. [PL 2003, c. 20, Pt. EE, §5 (RP).]

O. [PL 2003, c. 20, Pt. EE, §5 (RP).]

P. For income tax years beginning on or after January 1, 2015, the gain attributable to the sale of sustainably managed, eligible timberlands as calculated pursuant to this paragraph.

(1) As used in this paragraph, unless the context otherwise indicates, the following terms have the following meanings.

(a) "Commercial harvesting" or "commercially harvested" means the harvesting of forest products that have commercial value.

(b) "Eligible timberlands" means land of at least 10 acres located in the State and used primarily for the growth of trees to be commercially harvested. Land that would otherwise be included within this definition may not be excluded because of:

(i) Use of the land for multiple public recreation activities;

(ii) Statutory or governmental restrictions that prevent commercial harvesting of trees or require a primary use of the land other than commercial harvesting;

(iii) Deed restrictions, restrictive covenants or organizational charters that prevent commercial harvesting of trees or require a primary use of land other than commercial harvesting and that were effective prior to January 1, 1982; or

(iv) Past or present multiple use for mineral exploration.

(c) "Forest products that have commercial value" means logs, pulpwood, veneer, bolt wood, wood chips, stud wood, poles, pilings, biomass, fuel wood, Christmas trees, maple syrup, nursery products used for ornamental purposes, wreaths, bough material or cones or other seed products.

(d) "Sustainably managed" means:

(i) A forest management and harvest plan, as defined in section 573, subsection 3-A, has been prepared for the eligible timberlands and has been in effect for the entire time period used to compute the amount of the subtraction modification under this paragraph; and

(ii) The taxpayer has received a written statement from a licensed forester certifying that, as of the time of the sale, the eligible timberlands have been managed in accordance with the plan under subdivision (i) during that period.

(2) To the extent included in the taxpayer's taxable income under the laws of the United States, the taxable income of the taxpayer under the laws of the United States must be decreased by:

(a) For eligible timberlands held by the taxpayer for at least a 10-year period beginning on or after January 1, 2005 but less than an 11-year period beginning on or after January 1, 2005, 1/15 of the gain recognized on the sale of the eligible timberlands;

(b) For eligible timberlands held by the taxpayer for at least an 11-year period beginning on or after January 1, 2005 but less than a 12-year period beginning on or after January 1, 2005, 2/15 of the gain recognized on the sale of the eligible timberlands;

(c) For eligible timberlands held by the taxpayer for at least a 12-year period beginning on or after January 1, 2005 but less than a 13-year period beginning on or after January 1, 2005, 1/5 of the gain recognized on the sale of the eligible timberlands;

(d) For eligible timberlands held by the taxpayer for at least a 13-year period beginning on or after January 1, 2005 but less than a 14-year period beginning on or after January 1, 2005, 4/15 of the gain recognized on the sale of the eligible timberlands;

(e) For eligible timberlands held by the taxpayer for at least a 14-year period beginning on or after January 1, 2005 but less than a 15-year period beginning on or after January 1, 2005, 1/3 of the gain recognized on the sale of the eligible timberlands;

(f) For eligible timberlands held by the taxpayer for at least a 15-year period beginning on or after January 1, 2005 but less than a 16-year period beginning on or after January 1, 2005, 2/5 of the gain recognized on the sale of the eligible timberlands;

(g) For eligible timberlands held by the taxpayer for at least a 16-year period beginning on or after January 1, 2005 but less than a 17-year period beginning on or after January 1, 2005, 7/15 of the gain recognized on the sale of the eligible timberlands;

(h) For eligible timberlands held by the taxpayer for at least a 17-year period beginning on or after January 1, 2005 but less than an 18-year period beginning on or after January 1, 2005, 8/15 of the gain recognized on the sale of the eligible timberlands;

(i) For eligible timberlands held by the taxpayer for at least an 18-year period beginning on or after January 1, 2005 but less than a 19-year period beginning on or after January 1, 2005, 3/5 of the gain recognized on the sale of the eligible timberlands;

(j) For eligible timberlands held by the taxpayer for at least a 19-year period beginning on or after January 1, 2005 but less than a 20-year period beginning on or after January 1, 2005, 2/3 of the gain recognized on the sale of the eligible timberlands;

(k) For eligible timberlands held by the taxpayer for at least a 20-year period beginning on or after January 1, 2005 but less than a 21-year period beginning on or after January 1, 2005, 11/15 of the gain recognized on the sale of the eligible timberlands;

(l) For eligible timberlands held by the taxpayer for at least a 21-year period beginning on or after January 1, 2005 but less than a 22-year period beginning on or after January 1, 2005, 4/5 of the gain recognized on the sale of the eligible timberlands;

(m) For eligible timberlands held by the taxpayer for at least a 22-year period beginning on or after January 1, 2005 but less than a 23-year period beginning on or after January 1, 2005, 13/15 of the gain recognized on the sale of the eligible timberlands;

(n) For eligible timberlands held by the taxpayer for at least a 23-year period beginning on or after January 1, 2005 but less than a 24-year period beginning on or after January 1, 2005, 14/15 of the gain recognized on the sale of the eligible timberlands; or

(o) For eligible timberlands held by the taxpayer for at least a 24-year period beginning on or after January 1, 2005, all of the gain recognized on the sale of the eligible timberlands.

(3) Taxpayers claiming this credit must attach a sworn statement from a forester licensed pursuant to Title 32, chapter 76 that the timberlands for which the credit is claimed have been managed sustainably. For the purposes of this subparagraph, "sustainably" means that the timberlands for which the credit is claimed have been managed to protect soil productivity and

to maintain or improve stand productivity and timber quality; known occurrences of threatened or endangered species and rare or exemplary natural communities; significant wildlife habitat and essential wildlife habitat; and water quality, wetlands and riparian zones.

Upon request of the State Tax Assessor, the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry may provide assistance in determining whether timberlands for which the credit is claimed have been managed sustainably. When assistance is requested under this subparagraph, the director or the director's designee may enter and examine the timberlands for the purpose of determining whether the timberlands have been managed sustainably.

In the case of timberlands owned by an entity that is treated as a pass-through entity for income tax purposes, the land must be treated as eligible timberland if ownership and use of the land by the pass-through entity satisfies the requirements of this paragraph. If the owner of the eligible timberlands is an S corporation, the taxpayer must subtract the owner's pro rata share of the gain. If the owner of the timberlands is a partnership or limited liability company taxed as a partnership, the taxpayer must subtract the taxpayer's distributive share of the gain, subject to the percentage limitations provided in this paragraph.

This modification may not reduce Maine taxable income to less than zero. To the extent this modification results in Maine taxable income that is less than zero for the taxable year, the excess negative modification amount may be carried forward and applied as a subtraction modification for up to 10 taxable years. The entire amount of the excess negative modification must be carried to the earliest of the taxable years to which, by reason of this subsection, the negative modification may be carried and then to each of the other taxable years to the extent the unused negative modification is not used for a prior taxable year. Earlier carry-forward modifications must be used before newer modifications generated in later years; [PL 2007, c. 539, Pt. CCC, §16 (AMD); PL 2011, c. 657, Pt. W, §§5, 7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

Q. For income tax years beginning on or after January 1, 2006, to the extent included in federal taxable income and not otherwise removed from Maine taxable income, an amount equal to the total of capital gains and ordinary income resulting from depreciation recapture determined in accordance with the Code, Sections 1245 and 1250 that is realized upon the sale of property certified as multifamily affordable housing property by the Maine State Housing Authority in accordance with Title 30-A, section 4722, subsection 1, paragraph AA; [PL 2007, c. 700, Pt. B, §4 (AMD).]

R. For taxable years beginning on or after January 1, 2009, an amount equal to the net increase in the depreciation deductions allowable under Sections 167 and 168 of the Code that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service on or after January 1, 2008 for which an addition was required under subsection 1, paragraph T in a prior year.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal taxable income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph T and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed for property under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph T for the same property; [RR 2009, c. 2, §114 (COR).]

S. An amount equal to the value of any prior year addition modification under subsection 1, paragraph U, but only to the extent that:

(1) Maine taxable income is not reduced below zero;

(2) The taxable year is within the allowable federal period for carryover of the net operating loss plus one year; and

(3) The amount has not been previously used as a modification pursuant to this subsection; [PL 2011, c. 240, §35 (AMD); PL 2011, c. 454, §10 (AMD).]

T. An amount equal to the value of any prior year addition modification under subsection 1, paragraph V, but only to the extent that:

(1) Maine taxable income is not reduced below zero;

(2) The taxable year is within the allowable federal period for carry-over plus the number of years that the net operating loss carry-over adjustment was not deducted as a result of the restriction with respect to tax years beginning in 2009, 2010 and 2011;

(3) The amount has not been previously used as a modification pursuant to this subsection; and

(4) The modification under this paragraph is not claimed for any tax year beginning in 2009, 2010 or 2011; [PL 2011, c. 380, Pt. O, §14 (AMD); PL 2011, c. 454, §11 (AMD).]

U. [PL 2023, c. 360, Pt. B, §10 (RP).]

V. For taxable years beginning on or after January 1, 2012, an amount equal to the net increase in the depreciation deduction allowable under the Code, Sections 167 and 168 that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service during the taxable year beginning in 2011 or 2012 for which an addition was required under subsection 1, paragraph Y, subparagraph (2) for the taxable year beginning in 2011 or 2012.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal taxable income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph Y, subparagraph (2) related to property placed in service outside the State and the subtraction modifications allowed pursuant to this paragraph.

The total amount of the subtraction modification claimed under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph Y, subparagraph (2) for the same property; [PL 2013, c. 424, Pt. A, §27 (RPR).]

REVISOR'S NOTE: (Paragraph V as enacted by PL 2011, c. 454, §13 is REALLOCATED TO TITLE 36, SECTION 5200-A, SUBSECTION 2, PARAGRAPH W)

W. **(REALLOCATED FROM T. 36, §5200-A, sub-§2, ¶V)** To the extent included in federal taxable income, an amount equal to the refundable portion of the credit allowed under section 5216-B and an amount equal to the distribution from a private venture capital fund of the refundable portion of the credit allowed under section 5216-B; [PL 2013, c. 368, Pt. TT, §15 (AMD).]

X. To the extent included in federal taxable income, an amount equal to the refundable portion of the income tax credit under the Maine New Markets Capital Investment Program under Title 10, section 1100-Z; [PL 2015, c. 1, §11 (AMD).]

Y. For taxable years beginning on or after January 1, 2014, an amount equal to the net increase in the depreciation deduction allowable under the Code, Sections 167 and 168 that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service during the taxable year beginning in 2013 for which an addition was required under subsection 1, paragraph AA, subparagraph (2) for the taxable year beginning in 2013.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal taxable income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph AA, subparagraph (2) and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph AA, subparagraph (2) for the same property; [PL 2015, c. 388, Pt. A, §12 (AMD).]

Z. For taxable years beginning on or after January 1, 2015, an amount equal to the net increase in the depreciation deduction allowable under the Code, Sections 167 and 168 that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service during the taxable year beginning in 2014 for which an addition was required under subsection 1, paragraph BB, subparagraph (2) for the taxable year beginning in 2014.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal taxable income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph BB, subparagraph (2) and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph BB, subparagraph (2) for the same property; and [PL 2015, c. 388, Pt. A, §13 (AMD).]

AA. For taxable years beginning on or after January 1, 2016, an amount equal to the net increase in the depreciation deduction allowable under the Code, Sections 167 and 168 that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service during any taxable year beginning on or after January 1, 2015 but before January 1, 2020 for which an addition was required under subsection 1, paragraph CC, subparagraph (2) for the taxable year.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal taxable income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph CC, subparagraph (2) and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph CC, subparagraph (2) for the same property. [PL 2019, c. 659, Pt. I, §2 (AMD).]

BB. For taxable years beginning on or after January 1, 2018, for business expenses related to carrying on a trade or business as a registered caregiver or a registered dispensary, as defined in Title 22, section 2421-A, an amount equal to the deduction that would otherwise be allowable under this chapter to the extent that the deduction is disallowed under the Code, Section 280E. For taxable years beginning on or after January 1, 2023, for business expenses related to carrying on a trade or business as a registered caregiver, a registered dispensary or a manufacturing facility, as defined in Title 22, section 2421-A, or a cannabis establishment or testing facility, as defined in Title 28-B, section 102-A, an amount equal to the deduction that would otherwise be allowable under this chapter to the extent that the deduction is disallowed under the Code, Section 280E. [PL 2023, c. 679, Pt. C, §15 (AMD).]

REVISOR'S NOTE: Paragraph BB as enacted by PL 2017, c. 474, Pt. C, §7 is REALLOCATED TO TITLE 36, SECTION 5200-A, SUBSECTION 2, PARAGRAPH GG

CC. An amount equal to 50% of the apportionable subpart F income, as defined in the Code, Section 952, net of related expenses and other related deductions deducted in computing federal taxable income, that the taxpayer included in federal gross income during the taxable year. Any amount subtracted from federal taxable income under this paragraph must be excluded from the sales factor of any apportionment formula employed to attribute income to this State. [PL 2017, c. 474, Pt. D, §3 (NEW); PL 2017, c. 474, Pt. D, §4 (AFF).]

DD. An amount equal to 80% of the apportionable deferred foreign income that the taxpayer included in federal gross income during the taxable year in accordance with the Code, Section 965(a) as adjusted by Section 965(b). Any amount subtracted from federal taxable income under this paragraph must be excluded from the sales factor of any apportionment formula employed to attribute income to this State. [PL 2017, c. 474, Pt. D, §3 (NEW); PL 2017, c. 474, Pt. D, §4 (AFF).]

EE. An amount equal to 50% of the apportionable global intangible low-taxed income that the taxpayer included in federal gross income during the taxable year in accordance with the Code, Section 951A, net of related expenses and other related deductions deducted in computing federal taxable income. The amount included in the sales factor of any apportionment formula employed to attribute apportionable income to this State the taxpayer included in federal gross income during the taxable year in accordance with the Code, Section 951A is 50% of the amount included in federal gross income. [PL 2017, c. 474, Pt. D, §3 (NEW); PL 2017, c. 474, Pt. D, §4 (AFF).]

FF. For taxable years beginning on or after January 1, 2020, an amount equal to the net increase in the depreciation deduction allowable under the Code, Sections 167 and 168 that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service during the taxable year beginning on or after January 1, 2020 for which an addition was required under subsection 1, paragraph CC for the taxable year.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal taxable income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph CC and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph CC for the same property. [PL 2019, c. 527, Pt. A, §4 (NEW).]

GG. **(REALLOCATED FROM T. 36, §5200-A, sub-§2, ¶BB)** [PL 2021, c. 1, Pt. H, §4 (RP); PL 2021, c. 1, Pt. H, §5 (AFF).]

HH. For taxable years beginning on or after January 1, 2021, an amount equal to the value of any prior year addition modification under subsection 1, paragraph GG, but only to the extent that:

(1) Maine taxable income is not reduced below zero;

(2) No more than 25% of the amount is used as a modification in any taxable year; and

(3) The amount has not been previously used as a modification pursuant to this paragraph or otherwise used to reduce Maine taxable income. [PL 2021, c. 1, Pt. E, §4 (NEW).]

II. For taxable years beginning after January 1, 2020 and before January 1, 2025, an amount equal to the amount by which federal taxable income was increased under subsection 1, paragraph HH, but only to the extent that:

(1) Maine taxable income is not reduced below zero; and

(2) The amount has not been previously used as a modification pursuant to this paragraph or otherwise used to reduce Maine taxable income. [PL 2021, c. 1, Pt. G, §2 (NEW).]

JJ. For taxable years beginning on or after January 1, 2025, to the extent included in federal taxable income and to the extent otherwise subject to state income tax, an amount equal to any gain recognized on the sale by the taxpayer of an ownership interest greater than 50% in a qualified business if the business provides housing and was transferred to a cooperative affordable housing corporation organized under Title 13, chapter 85, subchapter 1-A or a municipal housing authority, as defined in Title 30-A, section 4702, subsection 10-A, or an affiliate of a municipal housing authority.

(1) The deduction allowed pursuant to this paragraph may not exceed $750,000.

(2) For purposes of this paragraph, "qualified business" means a business whose securities are not publicly traded on any stock exchange, including a corporation, an S corporation, a limited liability company, a limited liability partnership, a sole proprietorship and all entities that are not publicly traded and are related by common majority ownership or control, and:

(a) That is registered with the Secretary of State; or

(b) Whose principal place of business is within the State. [PL 2025, c. 455, §2 (NEW).] [PL 2025, c. 455, §2 (AMD).]

SECTION HISTORY

PL 1981, c. 704, §4 (NEW). PL 1981, c. 704, §9 (AMD). PL 1983, c. 590, §2 (AMD). PL 1983, c. 855, §§18-22 (AMD). PL 1987, c. 504, §§18-23 (AMD). PL 1987, c. 841, §§4,5 (AMD). PL 1989, c. 880, §§G5-9,J1-2 (AMD). PL 1991, c. 528, §§N9,11,12 (AMD). PL 1991, c. 528, §§N10,13,RRR (AFF). PL 1991, c. 548, §§A26-29 (AMD). PL 1991, c. 591, §§N9,11,12 (AMD). PL 1991, c. 591, §§N10,13 (AFF). PL 1991, c. 824, §D6 (AMD). PL 1993, c. 349, §70 (AMD). PL 1995, c. 368, §§GGG4-6 (AMD). PL 1995, c. 639, §20 (AMD). PL 1995, c. 641, §§4-6 (AMD). PL 1995, c. 641, §7 (AFF). PL 1997, c. 557, §§B7-9 (AMD). PL 1997, c. 557, §G1 (AFF). PL 1997, c. 746, §§7-12 (AMD). PL 1997, c. 746, §24 (AFF). PL 1999, c. 521, §§B3-5 (AMD). PL 1999, c. 521, §B11 (AFF). PL 1999, c. 708, §§39-41 (AMD). PL 2001, c. 177, §§3,4 (AMD). PL 2001, c. 559, §GG26 (AFF). PL 2001, c. 559, §§J3,4,GG-13 -18 (AMD). PL 2001, c. 583, §17 (AMD). PL 2001, c. 700, §§5,6 (AMD). PL 2001, c. 700, §10 (AFF). PL 2001, c. 714, §§AA5-7 (AMD). PL 2003, c. 20, §§EE3-5 (AMD). PL 2003, c. 20, §§II3,4 (AMD). PL 2003, c. 390, §§38-45 (AMD). PL 2003, c. 390, §53 (AFF). PL 2003, c. 451, §E7 (AMD). PL 2003, c. 479, §§5,6 (AMD). PL 2003, c. 588, §16 (AMD). PL 2003, c. 705, §13 (AMD). PL 2003, c. 705, §14 (AFF). PL 2005, c. 12, §§P7-9 (AMD). PL 2005, c. 12, §P10 (AFF). PL 2005, c. 218, §§54-56 (AMD). PL 2005, c. 416, §§4-6 (AMD). PL 2005, c. 644, §§8-10 (AMD). PL 2007, c. 240, Pt. CCC, §3 (AMD). PL 2007, c. 240, Pt. CCC, §4 (AFF). PL 2007, c. 539, Pt. AAAA, §1, 2 (AMD). PL 2007, c. 539, Pt. CCC, §§13-18 (AMD). PL 2007, c. 700, Pt. B, §§1-6 (AMD). RR 2009, c. 2, §114 (COR). PL 2009, c. 213, Pt. BBBB, §§10-15 (AMD). PL 2009, c. 213, Pt. BBBB, §17 (AFF). PL 2009, c. 213, Pt. ZZZ, §§6-13 (AMD). PL 2009, c. 434, §§74, 75 (AMD). PL 2009, c. 496, §23 (AMD). PL 2009, c. 652, Pt. A, §§53-57 (AMD). PL 2009, c. 652, Pt. A, §58 (AFF). RR 2011, c. 1, §§57, 58 (COR). PL 2011, c. 90, Pt. H, §§4-6 (AMD). PL 2011, c. 90, Pt. H, §8 (AFF). PL 2011, c. 240, §§33-35 (AMD). PL 2011, c. 380, Pt. O, §§9-16 (AMD). PL 2011, c. 454, §§10-13 (AMD). PL 2011, c. 548, §28 (AMD). PL 2011, c. 548, §36 (AFF). PL 2011, c. 644, §§20-26 (AMD). PL 2011, c. 644, §§32, 33 (AFF). PL 2011, c. 657, Pt. W, §§5, 7 (REV). RR 2013, c. 1, §53 (COR). PL 2013, c. 368, Pt. TT, §§12-17 (AMD). PL 2013, c. 405, Pt. A, §23 (REV). PL 2013, c. 424, Pt. A, §27 (AMD). PL 2015, c. 1, §§8-13 (AMD). PL 2015, c. 388, Pt. A, §§9-14 (AMD). PL 2017, c. 452, §32 (AMD). PL 2017, c. 474, Pt. C, §§5-7 (AMD). PL 2017, c. 474, Pt. D, §§1-3 (AMD). PL 2017, c. 474, Pt. D, §4 (AFF). PL 2019, c. 401, Pt. C, §8 (AMD). PL 2019, c. 401, Pt. C, §16 (AFF). PL 2019, c. 527, Pt. A,

§§3, 4 (AMD). RR 2019, c. 1, Pt. A, §§72, 73 (COR). PL 2019, c. 659, Pt. I, §2 (AMD). PL 2021, c. 1, Pt. E, §§3, 4 (AMD). PL 2021, c. 1, Pt. G, §§1, 2 (AMD). PL 2021, c. 1, Pt. H, §§3, 4 (AMD). PL 2021, c. 1, Pt. H, §5 (AFF). PL 2021, c. 1, Pt. U, §1 (AMD). PL 2021, c. 1, Pt. X, §2 (AMD). PL 2023, c. 360, Pt. B, §§8-10 (AMD). PL 2023, c. 444, §3 (AMD). PL 2023, c. 679, Pt. C, §15 (AMD). PL 2025, c. 113, Pt. C, §3 (AMD). PL 2025, c. 455, §2 (AMD).

§5200-B. Corporate income tax nexus

1. Nexus established. A corporation has nexus with this State, for the purposes of the tax imposed under section 5200, if that corporation:

A. Is organized or commercially domiciled in this State; or [PL 2021, c. 181, Pt. E, §2 (NEW); PL 2021, c. 181, Pt. E, §4 (AFF).]

B. Is organized or commercially domiciled outside this State, if the corporation's property, payroll or sales, as calculated pursuant to subsection 2, in this State exceed any of the following thresholds for the taxable year:

(1) For property, $250,000;

(2) For payroll, $250,000;

(3) For sales, $500,000; or

(4) Twenty-five percent of the corporation's property, payroll or sales. [PL 2021, c. 181, Pt. E, §2 (NEW); PL 2021, c. 181, Pt. E, §4 (AFF).]

[PL 2021, c. 181, Pt. E, §2 (NEW); PL 2021, c. 181, Pt. E, §4 (AFF).]

2. Property, payroll and sales defined; calculation. For purposes of this section, property, payroll and sales are calculated as provided under chapter 821 and associated rules adopted by the assessor, except that the sales calculation does not exclude sales of tangible personal property under section 5211, subsection 14, paragraph B. For a taxpayer permitted or required to use a special apportionment method under section 5211, subsection 17, the property, payroll and sales used to determine nexus under this section must be consistent with the property, payroll and sales used for the special apportionment method.

[PL 2021, c. 181, Pt. E, §2 (NEW); PL 2021, c. 181, Pt. E, §4 (AFF).]

3. Corporate partners. A corporation that holds an interest directly or indirectly in a partnership has nexus with this State if the partnership is organized or commercially domiciled in this State or if the partnership's property, payroll or sales, as calculated pursuant to subsection 2, in this State exceed any of the thresholds in subsection 1, paragraph B.

[PL 2021, c. 181, Pt. E, §2 (NEW); PL 2021, c. 181, Pt. E, §4 (AFF).]

4. Federal protection. A state that is without jurisdiction to impose a tax on the net income of a taxpayer because that taxpayer comes under the protection of 15 United States Code, Sections 381 to 384, does not gain jurisdiction to impose such a tax because the taxpayer's property, payroll or sales in the State exceed a threshold established in subsection 1.

[PL 2021, c. 181, Pt. E, §2 (NEW); PL 2021, c. 181, Pt. E, §4 (AFF).]

SECTION HISTORY

PL 2021, c. 181, Pt. E, §2 (NEW). PL 2021, c. 181, Pt. E, §4 (AFF).

§5201. Alternative tax computation

(REPEALED)

SECTION HISTORY

P&SL 1969, c. 154, §F1 (NEW). PL 1973, c. 12, §5 (RP). PL 1973, c. 592, §22 (RP).

§5202. Credit for investment in The Maine Capital Corporation

(REPEALED)

SECTION HISTORY

PL 1977, c. 531, §4 (NEW). PL 1981, c. 364, §67 (RP).

§5202-A. Small business investment companies exempt

Corporate small business investment companies, licensed under the United States Small Business Investment Act of 1958, as amended, and commercially domiciled in Maine and doing business primarily in Maine, shall be exempt from taxation under this Part. [PL 1977, c. 640, §2 (NEW).]

SECTION HISTORY

PL 1977, c. 640, §2 (NEW).

§5202-B. Depreciation option

(REPEALED)

SECTION HISTORY

PL 1981, c. 704, §5 (NEW). PL 1983, c. 480, §A67 (AMD). PL 1987, c. 504, §24 (RP).

§5202-C. Separate accounting required in certain cases

A corporation that is subject to tax under chapter 357 or that would be subject to tax under chapter 357 if the insurance business conducted by such corporation were conducted in this State shall separately account to the State Tax Assessor for income received from a health maintenance organization to the extent operated under authority of a certificate issued by the Superintendent of Insurance pursuant to Title 24-A, section 4204, except income from a health maintenance organization that is separately organized and subject to income taxation. The assessor may distribute, apportion or allocate gross income, deductions, credits, allowances or assets between or among related entities and operating divisions if the assessor determines such action to be necessary in order to prevent evasion of taxes or to properly reflect earned income. [PL 2001, c. 439, Pt. D, §2 (NEW); PL 2001, c. 439, Pt. D, §9 (AFF).]

SECTION HISTORY

PL 2001, c. 439, §D2 (NEW). PL 2001, c. 439, §D9 (AFF).

§5202-D. Exemption for certain out-of-state suppliers of spirits sold to the Bureau of Alcoholic Beverages and Lottery Operations

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Bureau" means the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services and includes a contractor or agent of the bureau. [PL 2021, c. 756, §1 (NEW).]

B. "Spirits" has the same meaning as in Title 28-A, section 2, subsection 31. [PL 2021, c. 756, §1 (NEW).]

[PL 2021, c. 756, §1 (NEW).]

2. No tax liability or nexus for sale, shipment or storage of spirits. For tax years beginning on or after January 1, 2022, a person domiciled in another state that approves an order or request from outside this State for spirits placed by the bureau is not liable under this Part and may not be considered to have a sufficient nexus to impose liability for any tax imposed pursuant to this Part or to require a pass-through entity to withhold tax for any tax imposed pursuant to this Part based solely on the following in-state activities:

A. The sale of spirits to the bureau, regardless of whether the amount of the sales exceeds the thresholds for nexus specified in section 5200-B, subsection 1; [PL 2021, c. 756, §1 (NEW).]

B. The shipment of spirits from outside this State to any warehouse operated or used by the bureau or to another facility as directed by the bureau; [PL 2021, c. 756, §1 (NEW).]

C. The storage of spirits at any warehouse operated by or used by the bureau or at another facility as directed by the bureau, regardless of whether the value of those spirits exceeds the thresholds for nexus specified in section 5200-B, subsection 1; or [PL 2021, c. 756, §1 (NEW).]

D. Any other activity required by the bureau in order to facilitate the fulfillment of orders of spirits placed by the bureau. [PL 2021, c. 756, §1 (NEW).]

Spirits manufactured or produced outside this State and brought into this State based on an order or request of the bureau when such order or request is approved from outside this State are not subject to tax liability under this Part notwithstanding any delay in transfer of title for those spirits or storage of those spirits at a warehouse operated or used by the bureau pending the transfer of title to the bureau. [PL 2021, c. 756, §1 (NEW).]

3. Effect on protection or exemption from taxation due to other laws. This section may not be construed to reduce any protection or exemption from taxation that arises under 15 United States Code, Sections 381 to 384 or any other provision of law. [PL 2021, c. 756, §1 (NEW).]

4. Rules. The assessor shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2021, c. 756, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 756, §1 (NEW).

§5202-E. Report on corporate income tax data reporting

1. Report. Beginning January 31, 2025 and biennially thereafter, the bureau shall, consistent with section 191, provide a report on corporate income tax to the joint standing committee of the Legislature having jurisdiction over taxation matters. The report must include the following:

A. Of the 50 largest for-profit employers in the State as measured by payroll withholding, for which there is complete data, the number that paid zero state corporate income tax in the 4 most recent tax years or received a refunded portion of a refundable credit; [PL 2023, c. 627, §1 (NEW).]

B. The number of corporations that filed corporate income taxes that reported over $50,000,000, over $100,000,000, over $250,000,000 and over $1,000,000,000 in federal taxable income for the 2 previous tax years; [PL 2023, c. 627, §1 (NEW).]

C. For each income range identified in paragraph B:

(1) The total income reported;

(2) The total income apportioned to the State; and

(3) The number of filers that reported zero or less total corporate income tax due for the 4 most recent tax years for which there is complete data; [PL 2023, c. 627, §1 (NEW).]

D. The percentage of corporations that filed corporate income taxes doing business in the State that reported total corporate income tax due of zero or less for the 4 most recent tax years for which there is complete data; [PL 2025, c. 390, Pt. A, §57 (AMD).]

E. The percentage of corporations that filed corporate income taxes doing business in the State that reported federal taxable income of greater than zero and reported total Maine corporate income tax

due of zero or less for the 4 most recent tax years for which there is complete data; and [PL 2023, c. 627, §1 (NEW).]

F. The percentage of corporations that filed corporate income taxes doing business in the State that reported federal taxable income of greater than zero and reported zero income apportioned to the State of adjusted federal income. [PL 2023, c. 627, §1 (NEW).]

For the purposes of this section, "corporate" and "corporation" include C corporations and limited liability companies taxed as corporations in the State.
[PL 2025, c. 390, Pt. A, §57 (AMD).]

SECTION HISTORY

PL 2023, c. 627, §1 (NEW). PL 2025, c. 390, Pt. A, §57 (AMD).

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