

**Sec. G-11. 36 MRSA §688**, as enacted by PL 1997, c. 643, Pt. HHH, §3 and affected by §10, is amended to read:

**§688. Effect of determination of residence or age**

A determination of permanent residence or age made for purposes of this subchapter is not binding on the bureau with respect to the administration of Part 8 and has no effect on determination of domicile for purposes of the Maine individual income tax.

**Sec. G-12. Retroactivity.** This Part applies retroactively to property tax years beginning on or after April 1, 2017.

**PART G  
SUMMARY**

This Part amends the Maine Resident Homestead Property Tax Exemption to restrict the exemption to residents who are 65 or older for property tax years beginning on or after April 1, 2017. Also, the municipal reimbursement for taxes lost by reason of the exemption for property tax years beginning on or after April 1, 2017 is reduced from 62.5% to 50%.

**PART H**

**Sec. H-1. 36 MRSA §187-B, sub-§6**, as amended by PL 2013, c. 331, Pt. C, § 7, is further amended to read:

**6. Penalties not exclusive.** Each penalty provided under this section is in addition to any interest and other penalties provided under this section and other law, except as otherwise provided in this section. Interest may not accrue on the penalty. This section does not apply to any filing or payment responsibility pursuant to Part 2 ~~except that this section does apply to a filing or payment responsibility pursuant to the state telecommunications excise tax imposed under section 457.~~ The penalties imposed under subsections 1 and 2 accrue automatically, without being assessed by the State Tax Assessor. Each penalty imposed under this section is recoverable by the assessor in the same manner as if it were a tax assessed under this Title.

**Sec. H-2. 36 MRSA §§457 and 458**, as amended by PL 2011, c. 430, are repealed.

**Sec. H-3. 36 MRSA §501, sub-§11** is enacted to read:

**11. Telecommunications services.** “Telecommunications services” means an activity designed to provide interactive 2-way communication service for compensation.

**Sec. H-4. 36 MRSA §691, sub-§1, ¶A**, as amended by PL 2009, c. 571, Pt. II, §1, is further amended to read:

A. "Eligible business equipment" means qualified property that, in the absence of this subchapter, would first be subject to assessment under this Part on or after April 1, 2008. "Eligible business equipment" includes, without limitation, repair parts, replacement parts, replacement equipment, additions, accessions and accessories to other qualified business property that first became subject to assessment under this Part before April 1, 2008 if the part, addition, equipment, accession or accessory would, in the absence of this subchapter, first be subject to assessment under this Part on or after April 1, 2008. "Eligible business equipment" also includes inventory parts.

"Eligible business equipment" does not include:

(1) Office furniture, including, without limitation, tables, chairs, desks, bookcases, filing cabinets and modular office partitions;

(2) Lamps and lighting fixtures used primarily for the purpose of providing general purpose office or worker lighting;

(3) Property owned or used by an excluded person;

~~(4) Telecommunications personal property subject to the tax imposed by section 457;~~

(5) Gambling machines or devices, including any device, machine, paraphernalia or equipment that is used or usable in the playing phases of any gambling activity as that term is defined in Title 8, section 1001, subsection 15, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. "Gambling machines or devices" includes, without limitation:

(a) Associated equipment as defined in Title 8, section 1001, subsection 2;

(b) Computer equipment used directly and primarily in the operation of a slot machine as defined in Title 8, section 1001, subsection 39;

(c) An electronic video machine as defined in Title 17, section 1831, subsection 4;

(d) Equipment used in the playing phases of lottery schemes; and

(e) Repair and replacement parts of a gambling machine or device;

(6) Property located at a retail sales facility and used primarily in a retail sales activity unless the property is owned by a business that operates a retail sales facility in the State exceeding 100,000 square feet of interior customer selling space that is used primarily for retail sales and whose Maine-based operations derive less than 30% of their total annual revenue on a calendar year basis from sales that are made at a retail sales facility located in the State. For purposes of this subparagraph, the following terms have the following meanings:

(a) "Primarily" means more than 50% of the time;

(b) "Retail sales activity" means an activity associated with the selection and purchase of goods or services or the rental of tangible personal property. "Retail sales activity" does not include production as defined in section 1752, subsection 9-B; and

(c) "Retail sales facility" means a structure used to serve customers who are physically present at the facility for the purpose of selecting and purchasing goods or services at retail or for renting tangible personal property. "Retail sales facility" does not include a separate structure that is used as a warehouse or call center facility;

(7) Property that is not entitled to an exemption by reason of the additional limitations imposed by subsection 2; or

(8) Personal property that would otherwise be entitled to exemption under this subchapter used primarily to support a telecommunications antenna used by a business providing telecommunications services ~~business subject to the tax imposed by section 457.~~

**Sec. H-5. 36 MRSA §691, sub-§1, ¶B,** as enacted by PL 2005, c. 623, §1, is amended to read:

B. "Excluded person" means:

(1) A public utility as defined in Title 35-A, section 102, subsection 13;

(2) A person that provides radio paging service as defined in Title 35-A, section 102, subsection 15;

(3) A person that provides mobile telecommunications services as defined in Title 35-A, section 102, subsection 9-A;

(4) A cable television company as defined in Title 30-A, section 2001, subsection 2;

(5) A person that provides satellite-based direct television broadcast services; ~~or~~

(6) A person that provides multichannel, multipoint television distribution services; ~~or~~

(7) A person that provides telecommunication services as defined in chapter 105.

**Sec. H-6. 36 MRSA §6652, sub-§1-A,** as enacted by PL 1997, c. 24, Pt. C, §14, is amended to read:

**1-A. Certain persons excluded.** Notwithstanding any other provision of law, the following persons are not eligible for reimbursement pursuant to this chapter:

A. A public utility as defined by Title 35-A, section 102;

B. A person that provides radio paging services as defined by Title 35-A, section 102;

C. A person that provides mobile telecommunications services as defined by Title 35-A, section 102;

D. A cable television company as defined by Title 30-A, section 2001;

E. A person that provides satellite-based direct television broadcast services; ~~and~~

F. A person that provides multichannel, multipoint television distribution services; and

G. A person that provides telecommunication services as defined in chapter 105.

This subsection, exclusive of paragraph G, applies retroactively to property tax years beginning after April 1, 1995.

**Sec. H-7. 36 MRSA §6652, sub-§1-B, ¶D**, as enacted by PL 2009, c. 571, Pt. II, §4, is amended to read:

D. Personal property that would otherwise be entitled to reimbursement under this chapter used primarily to support a telecommunications antenna used by a telecommunications business providing telecommunications services ~~subject to the tax imposed by section 457.~~

**Sec. H-8. Application.** This Part applies beginning on or after October 1, 2017.

## **PART H SUMMARY**

This Part repeals the excise tax on telecommunications equipment and repeals the telecommunications equipment exemption from local property taxation.

## **PART I**

**Sec. I-1. 36 MRSA §691, sub-§1, ¶A, sub-¶1** is further amended to read:

(1) Office furniture including, without limitation, tables, chairs, desks, bookcases, filing cabinets, ~~and~~ modular office partitions, photocopiers and mail machines;

**Sec. I-2. 36 MRSA §691, sub-§ 1, ¶A-1** is enacted to read:

A-1. “Eligible business equipment” also means beginning April 1, 2018 all eligible property under Chapter 915 which was placed in service after April 1, 1995 and on or before April 1, 2017.

**Sec. I-3. 36 MRSA §700-C** is enacted to read:

### **§700-C. Conversion of chapter 915 eligible property to subchapter 4-C exemption.**

**1. Limitations.** Notwithstanding other provisions of this subchapter.

A. All property considered eligible business property under this subchapter pursuant to §691 sub-§1 ¶ A-1 is entitled to exemption as follows:

(1) 25% of its assessed value as of April 1, 2018