

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

---

Legislative Document

No. 792

---

H.P. 601

House of Representatives, February 4, 1997

**An Act Concerning Technical Changes to the Tax Laws.**

(EMERGENCY)

---

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Reference to the Committee on Taxation suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative TRIPP of Topsham.

Cosponsored by Representatives: DUNLAP of Old Town, GREEN of Monmouth, Senator: RUHLIN of Penobscot.

2 Any return, report or other document required to be made  
3 pursuant to this Title must contain a declaration, in a form  
4 prescribed by the State Tax Assessor, that the statements  
5 contained in the return, report or other document are true and  
6 made under the penalties of perjury. The assessor may allow or  
7 require the filing of a return or document by electronic data  
8 submission or by telephone. The assessor may also allow or  
9 require the payment of a tax or the refund of a tax by the  
10 electronic transfer of funds. An electronic funds transfer  
11 allowed or required by the assessor pursuant to this section is  
12 considered a return. The assessor may adopt rules to establish  
13 procedures necessary to implement the provisions of this section.

14 Sec. 3. 36 MRSA §576, as amended by PL 1985, c. 99, is  
15 further amended to read:

16 **§576. Powers and duties**

17  
18 The State Tax Assessor shall determine the average annual  
19 net wood production rate for each forest type described in  
20 section 573, subsections 5 to 7, in each county or region to be  
21 used in determining valuations applicable to forest land under  
22 this subchapter, on the basis of the surveys of average annual  
23 growth rates applicable in the State made from time to time by  
24 the United States Forest Service or by the Maine Forestry Bureau.  
25 The growth rate surveys shall must be reduced by a the percentage  
26 discount factor determined by the State Tax Assessor pursuant to  
27 prescribed by section 576-B to reflect the growth which that can  
28 be extracted on a sustained basis. The rates shall be determined  
29 after passage of this subchapter, and when determined shall  
30 remain in effect without change for each county through the  
31 property tax year ending March 31, 1975. In 1974 and in every  
32 10th year thereafter, the State Tax Assessor shall review and set  
33 such rates for the following 10-year period in the same manner.  
34

35 The State Tax Assessor shall determine the average stumpage  
36 value for each forest type described in section 573, subsections  
37 5 to 7, applicable in each county, or in such alternative forest  
38 economic regions as he may designate the assessor designates,  
39 after passage of this subchapter and in each year thereafter,  
40 taking into consideration the prices upon sales of sound standing  
41 timber of that forest type in that area during the previous  
42 calendar year, and such any other appropriate considerations as  
43 he ~~deems~~ appropriate.  
44

45 The proportions of the various species making up the type  
46 are to be used in the computations of the average annual net wood  
47 production rates and average stumpage values for each forest type  
48 and the proportions of the various products are to be used in the  
49 computations of average stumpage values.  
50

2 After the State Tax Assessor has made the foregoing  
determinations, he the assessor shall apply a the capitalization  
4 rate as determined by him pursuant to prescribed by section  
576-B, to the value of the annual net wood production to  
6 determine the 100% valuation per acre for each forest type for  
each area and shall state the wood production rates and values  
8 used to compute same those rates and values.

10 The State Tax Assessor shall hold one or more public  
hearings, upon the foregoing matters to be determined, shall  
12 provide for a transcript thereof, and shall issue a rule or rules  
stating those determinations on or before April 15, 1985, and on  
14 ~~or before October 1st each year thereafter.~~

16 The State Tax Assessor shall certify and transmit such rules  
to the municipal assessors of each municipality with respect to  
18 forest land therein on or before April 1st of each year.

20 Sec. 4. 36 MRSA §576-B, as amended by PL 1985, c. 779, §80,  
is repealed and the following enacted in its place:

22 **§576-B. Discount factor and capitalization rate**

24 The percentage factor by which the growth rates set by the  
26 State Tax Assessor pursuant to section 576 must be reduced to  
reflect the growth that can be extracted on a sustained basis is  
28 10%. The capitalization rate applied to the value of the annual  
net wood production pursuant to section 576 is 8.5%.

30 Sec. 5. 36 MRSA §1754-B, sub-§1, ¶G, as enacted by PL 1995, c.  
32 640, §3, is amended to read:

34 G. Every seller of tangible personal property or taxable  
services that has a substantial physical presence in this  
36 State sufficient to satisfy the requirements of the due  
process and commerce clauses of the United States  
38 Constitution. The following activities do not constitute a  
substantial physical presence for the purpose of this  
40 paragraph:

42 (1) Solicitation of business in this State through  
catalogs, flyers, telephone or electronic media when  
44 delivery of ordered goods is ~~affected~~ effected by the  
United States mail or by an interstate 3rd-party common  
46 carrier;

48 (2) Attending trade shows, seminars or conventions in  
50 this State;

