

Maine Revenue Services 2022 Income/Estate Tax Update

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Maine Revenue Services

www.maine.gov/revenue



- COVID Pandemic Relief Payment Program
- Marijuana/Cannabis Terminology
- Conformity
- Maine Earned income tax credit (2021)
- Maine Space Corporation bond interest



- Pension income deduction
- Educational opportunity tax credit repealed
- Employer paid student loan income subtraction modification repealed
- **NEW** student loan repayment tax credit



- FAME nonprofit student loan repayment program income subtraction modification
- Employer support for volunteer firefighters and volunteer municipal emergency medical services persons tax credit
- Maine earned income tax credit (beginning 2022)
- Property tax fairness credit (beginning 2022)



- Access to justice income tax credit
- Voluntary contribution check-off for the Emergency Food Assistance
 Program Fund
- Credit for rehabilitation of historic properties after 2007
- Exemption for certain out-of-state suppliers of spirits sold to BABLO



- Contribution to education savings plans income subtraction modification
- Property Tax Fairness Credit (beginning 2023)
- Law changes for Indian Tribes/tribal members
- Voluntary check-offs for the easy enrollment health insurance program



- Employment tax increment financing benefits
- Pine Tree Development Zones
- Factor presence/economic/corporate income tax nexus
- Income tax withholding on gambling winnings



TOPIC OVERVIEW

Nonadmitted insurance premiums taxes, retaliatory tax

See the full '2022 Summary of Tax Law Changes' at:

www.maine.gov/revenue/publications/rules.

(click on "2022 Tax Law Changes" at top).



COVID Pandemic Relief Payment ("CPRP") Program

The 2022 COVID Pandemic Relief Payment ("CPRP")
 Program was designed by the Maine Legislature and
 Governor Mills to support Maine residents in response to
 the economic fallout of the pandemic and to combat rising
 costs due to inflation and supply chain effects.



- CPRP:
 - Administered by MRS.
 - \$850 for each eligible taxpayer and spouse.
 - Exempt from Maine income tax.
 - Not subject to setoff against other debt owed to MRS or other State Agencies.



- CPRP:
 - Paper checks mailed to eligible taxpayers by December 31, 2022.
 - Uncashed payments treated as unclaimed property as of January 1, 2024.
 - may be claimed thereafter by contacting the Office of the State Treasurer.



- Eligible taxpayers include those who:
 - Filed a 2021 Maine individual income tax return as a full-year resident, by October 31, 2022.
 - Were not claimed as a dependent on another person's 2021 tax return.



- Eligible taxpayers include those whose:
 - Federal adjusted gross income for the 2021 tax year was less than:
 - \$200,000 if married filing a joint return or surviving spouses permitted to file a joint return;
 - \$150,000 if filing as head of household; or
 - \$100,000 if single or married filing separately



- COVID pandemic relief payments are not subject to Maine income tax
 - To the extent the payment is included in federal adjusted gross income.
 - Form 1040ME, Schedule 1S, line 28.
- Applies to tax years beginning in 2022 and 2023





COVID Pandemic Relief Payment ("CPRP") Program, (cont.)

- For more information, see the COVID Pandemic Relief Payment FAQs at:
 - www.maine.gov/governor/mills/relief-checks

L.D. 1995; P.L. 2021, c. 635, Pt. L



References to marijuana to be replaced

- State agencies are required to replace the word "marijuana" with the word "cannabis."
 - Maine Revised Statutes, rules, forms, policies, and publications.

L.D. 1957; P.L. 2021, c. 669, § 5



Conformity

- Conformity with the Internal Revenue Code is extended to the United States Internal Revenue Code of 1986 as amended through December 31, 2021.
- Applies to tax years beginning on or after January 1, 2021 and to any prior years as specifically provided by the Code.

Conformity, (cont.)

- Conformity with the Code applies unless otherwise stated in Maine law.
 - Income Modifications (36 M.R.S. §§ 5122 and 5200-A)
 - Itemized Deduction (36 M.R.S. § 5125)
 - Personal Exemption Deduction (36 M.R.S. 5126-A)
 - Bonus Depreciation / Maine Capital Investment Credit (36 M.R.S. §§ 5122, 5200-A, and 5219-NN)



Changes applicable to tax years beginning in 2021 (retroactively)



Maine Earned income tax credit

- Corrected drafting error in P.L. 2021, c. 398
 - Applies to tax years beginning in 2021.
 - Maine credit is equal to 20% of the federal earned income tax credit for all eligible resident, nonresident, and part-year resident individuals.



Changes applicable to tax years beginning in 2022





Maine Space Corporation bond interest

 Certain bonds issued by the Maine Space Corporation are, together with interest on and income from the bonds, exempt from all taxes, including the Maine income tax.



Maine Pension income deduction

- The pension income deduction for non-military retirement plan benefits is increased to:
 - \$25,000 for tax years beginning in 2022;
 - \$30,000 for tax years beginning in 2023;
 - \$35,000 for tax years beginning on or after January 1, 2024.



Pension income deduction, (cont.)

 Military retirement plan benefits, including survivor benefits, continue to be fully exempt from Maine income tax.

Poll Question #1



Educational opportunity tax credit ("EOTC")

- The EOTC, including any carryover of unused credit amounts from prior years, is repealed.
- Applies to tax years beginning on or after January 1, 2022.



Employer paid student loan income subtraction modification repealed

- The income subtraction modification equal to eligible student loan payments made by employers on behalf of qualified employees for purposes of the EOTC, is repealed.
- Applies to tax years beginning on or after January 1, 2022.



- New refundable tax credit for qualified individuals.
 - Replaces the EOTC.
- Applies to tax years beginning on or after January 1, 2022.



- The SLRTC is equal to:
 - Eligible education loan payments, plus
 - For tax years beginning before January 1, 2027, unused EOTC amounts carried forward from prior tax years.
- Married taxpayers that are qualified individuals and filing jointly may each claim the credit.
- Up to \$2,500* (lifetime cap \$25,000).



- *One-time election may be made for <u>either</u> tax year 2022 or 2023.
 - Eligible taxpayers may claim up to \$3,500
 - Received the EOTC during any tax year beginning in 2019, 2020, or 2021 for an associate or bachelor's <u>STEM</u> degree.
 - One-time increased credit amount over \$2,500 does not count against the lifetime cap.



- Qualified individual:
 - Obtained an associate, bachelor's, or graduate degree after 2007;
 - Accredited Maine or non-Maine college.
 - Is a Maine resident during the tax year; and
 - Has a certain amount of earned income during the tax year.
 - \$11,934 for 2022.



- Eligible education loan payments:
 - Associate, bachelor's, or graduate degree earned after 2007 from an accredited college.
 - Paid by the qualified individual directly to the lender.
 - Paid during the part of the tax year qualified individual is a Maine resident.



- Certain education loans not eligible:
 - Loans obtained from a related person or a qualified employer plan are not eligible.
 - Loan amounts refunded by the lender are not eligible.



FAME nonprofit student loan repayment program income

subtraction modification

- New income subtraction modification
 - Student loan payments made directly to a lender on behalf of the taxpayer by a student loan repayment program that is funded by a nonprofit foundation and administered by the Finance Authority of Maine (FAME).
 - Amounts must be included in federal adjusted gross income.
 - Applies to tax years beginning on or after January 1, 2022.





FAME nonprofit student loan repayment program income subtraction modification, (cont.)

- New income subtraction modification
 - Eligible taxpayers must be Maine residents employed by a business located in the State.

36 M.R.S. § 5122(2)(XX); L.D. 1995; P.L. 2021, c. 635, Pt. G



Employer support for volunteer firefighters and volunteer municipal emergency medical services persons tax credit

- New tax credit for employers that permit employees who are:
 - Volunteer firefighters, or
 - Volunteer emergency medical services persons

to be absent from work for firefighting or emergency response activities without a reduction in pay.



Employer support for volunteer firefighters and volunteer municipal emergency medical services persons tax credit, (cont.)

 The credit is equal to the compensation that is paid to the employee at the employee's regular rate of pay while the employee is away from work due to firefighting or an emergency response during the tax year.



Employer support for volunteer firefighters and volunteer municipal emergency medical services persons tax credit, (cont.)

- Credit is limited to the tax liability of the taxpayer.
- Applies to tax years beginning on or after January 1, 2022.



Maine earned income tax credit

- The Maine earned income tax credit is increased from 20% to 25% of the federal earned income tax credit.
 - 50% for eligible individuals who do not have a qualifying child
- Applies to tax years beginning on or after January 1, 2022.



Property tax fairness credit ("PTFC")

- The PTFC is increased to 100% of the benefit base that is greater than 4% (previously 5%) of the individual's income, up to \$1,000.
 - \$1,500 for individuals 65 years of age or older.



Property tax fairness credit, (cont.)

- Property tax amounts paid on the taxpayer's behalf during the tax year by the State to a municipality under the Property Tax Deferral Program may be included in the benefit base for purposes of calculating the PTFC.
- Applies to tax years beginning on or after January 1, 2022.

36 M.R.S. §§ 5219-KK(1)(A-1) and 5219-KK(2-D); L.D. 221; P.L. 2021, c. 398, Pt. H, § 8; L.D. 1733; P.L. 2021, c. 483, Pt. AA, § 1; L.D. 1995; P.L. 2021, c. 635, Pt. F



Access to justice income tax credit

- **New** income tax credit, up to \$6,000, may be claimed in the first year that an eligible attorney meets the conditions of eligibility for at least six months and in each of the four subsequent years.
- Supreme Judicial Court may certify up to five eligible attorneys each year from 2022 through 2027.



Access to justice income tax credit, (cont.)

- An eligible attorney must:
 - Agree to practice law in an underserved area for at least five years.
 - Be rostered by the Maine Commission on Indigent Legal Services to accept court appointments to represent clients in an underserved area; and
 - Agree to perform pro bono legal services in an underserved area.





Access to justice income tax credit, (cont.)

- Credit may not reduce the tax otherwise due to less than zero.
- Court must decertify individuals who cease to meet the conditions of eligibility.
- Legislative reporting requirements apply.



Voluntary contribution check-off for the Emergency Food Assistance Program Fund

- NEW voluntary contribution check-off for the Emergency Food Assistance Program Fund.
 - Fund is created to support the emergency food assistance program administered by the Department of Agriculture, Conservation and Forestry.
 - Form 1040ME, Schedule CP.
- Applies to tax years beginning on or after January 1, 2022.

- 36 M.R.S. §§ 5283-A and 5293; L.D. 1046; P.L. 2021, c. 437



Credit for rehabilitation of historic properties after 2007 – certified qualified rehabilitation expenditures

- The sunset date for making determinations on the eligibility of structures is extended by five years.





Credit for rehabilitation of historic properties after 2007 – certified qualified rehabilitation expenditures, (cont.)

 The date by which the United States Department of the Interior, National Park Service or the Maine Historic Preservation Commission must determine that a proposed rehabilitation of a structure meets its standards for rehabilitation is extended from December 31, 2025 to December 31, 2030.

36 M.R.S. § 5219-BB(1)(C); L.D. 201; P.L. 2021, c. 671



Exemption for certain out-of-state suppliers of spirits sold to the Bureau of Alcoholic Beverages and Lottery Operations (BABLO)

A person (corporation, pass-through entity, individual, etc.)
 domiciled in a state other than Maine that approves, from a
 location outside of Maine, orders of spirits placed by BABLO or
 an agent or contractor of BABLO, may not be considered to have
 sufficient nexus to subject the person to Maine income tax,
 including pass-through entity withholding, based solely on the
 following in-state activities:



Exemption for certain out-of-state suppliers of spirits sold to BABLO, (cont.)

- The sale of spirits to BABLO, even if the amount of the sales exceeds the nexus thresholds in Title 36, section 5200-B, subsection 1;
- The shipment of spirits from outside Maine to any warehouse operated or used by BABLO or to another facility as directed by BABLO;
- Any other activity required by BABLO to facilitate fulfillment of its orders of spirits.



Exemption for certain out-of-state suppliers of spirits sold to BABLO, (cont.)

- Spirits manufactured or produced outside the State and shipped into the State pursuant to an order for spirits from BABLO do not, when the order is approved outside the State, become subject to Maine income tax solely as a result of delay in transfer of title of those spirits to BABLO.
- Applies to tax years beginning on or after January 1, 2022.

Poll Question #2



Changes applicable to tax years beginning in 2023



Contributions to education savings plans income subtraction modification

- The income subtraction modification for contributions to a qualified tuition program established under Section 529 of the Internal Revenue Code is reinstated.
- Applies to tax years beginning on or after January 1, 2023.





Contributions to education savings plans income subtraction modification, (cont.)

- Contributions made to a qualified tuition plan up to \$1,000 for each designated beneficiary.
- May not be claimed by taxpayers whose federal adjusted gross income exceeds:
 - \$100,000 if filing single or married filing separately or;
 - \$200,000 is married filing jointly or head of household.

36 M.R.S. § 5122(2)(YY); L.D. 23; P.L. 2021, c. 707



Property tax fairness credit ("PTFC")

- Applies to tax years beginning on or after January 1, 2023.
- Resident individuals who are veterans and 100% permanently and totally disabled are allowed an additional PTFC equal to the amount of the PTFC calculation the individual otherwise qualifies for, effectively doubling the credit.





Property tax fairness credit ("PTFC"), (cont.)

 The total combined PTFC may not exceed the property taxes paid and rent constituting property taxes paid by the individual during the tax year.

36 M.R.S. § 5219-KK(2-E); L.D. 1986; P.L. 2021, c. 703





Maine income tax changes for certain Indian Tribes and tribal members

For tax years beginning on or after January 1, 2023, the law is amended to:

 Clarify that the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians, and a tribal corporation organized by those tribes under Section 17 of the federal Indian Reorganization Act are not subject to Maine corporate income tax.

36 M.R.S. § 5102(6); L.D. 585; P.L. 2021, c. 681





Maine income tax changes for certain Indian Tribes and tribal members, (cont.)

 Add a new income subtraction modification to exclude from Maine income tax the income of tribal members and estates of tribal members residing on tribal land when the income is derived from or connected with sources on tribal land.





Maine income tax changes for certain Indian Tribes and tribal members, (cont.)

 Add a new income addition modification to exclude from Maine income tax the losses of tribal members and estates of tribal members residing on tribal land when the losses are derived from or connected with sources on tribal land.



Voluntary check-offs for the easy enrollment health

insurance program

- Applies to tax years beginning on or after January 1, 2023.
- The Maine individual income tax return must include the following check boxes to allow taxpayers to indicate family members that do not have health insurance coverage, including:
 - The taxpayer;
 - The taxpayer's spouse; and/or
 - Dependents of the taxpayer.



Voluntary check-off for the easy enrollment health insurance program, (cont.)

 Upon authorization of the taxpayer, MRS must share certain tax information with the Maine Health Insurance Marketplace ("Marketplace") to facilitate administration of the easy enrollment health insurance program.



Employment tax increment financing benefits ("ETIF")

- Benefits based on calendar years beginning after 2021.
- Income tax withholding base replaced with a new benefit base:
 - Gross wages paid to qualified employees during the calendar year multiplied by 4.5%.

36 M.R.S. §§ 6753(5-B), 6753(7), 6753(9), 6753(9-A), 6754(1), and 6762; L.D. 1156; P.L. 2021, c. 602



Pine Tree Development Zones

- Certification and benefits are extended by two years.
 - Certification ends December 31, 2023.
 - Benefits cease December 31, 2033.
 - Includes income tax, franchise tax, and insurance premiums tax credits; sales and use tax exemptions for tangible personal property and transmission/distribution of electricity; and reimbursement under the ETIF program.





Corporate Income Tax



Factor presence / economic / corporate income tax nexus

- Applies to tax years beginning on or after January 1, 2022.
- General nexus standard
 - Corporation is organized or commercially domiciled in Maine;
 or
 - Maine's safe harbor nexus thresholds are exceeded.



Factor presence / economic / corporate income tax nexus, (cont.)

- Safe harbor nexus thresholds:
 - \$250,000 of property in Maine;
 - \$250,000 in payroll in Maine;
 - \$500,000 in sales in Maine; or
 - 25% of the corporation's total property, payroll, or sales is in Maine.





Income Tax Withholding



Income Tax Withholding

- Gambling winnings.
 - The Maine income tax withholding rate applicable to certain gambling winnings is increased from 5% of the winnings to the highest marginal individual income tax rate applicable to the tax year during which the winnings are paid, plus any other applicable tax under the Maine Revised Statutes, Title 36, Part 8, relating to income taxes.
 - Effective August 8, 2022.



Insurance Premiums Tax



Nonadmitted insurance premiums tax, retaliatory tax

- The Maine retaliatory tax is imposed on foreign insurers licensed and doing business in Maine.
 - Applies when the insurer's home state or province would assess, in aggregate, a higher tax on a Maine insurer than Maine would assess on a foreign insurer.



Nonadmitted insurance premiums tax, retaliatory tax, (cont.)

- Foreign insurers incorporated in:
 - A State or a possession of the United States;
 - The District of Columbia; and
 - A Canadian province
- Applies to tax years beginning on or after January 1, 2023.

Poll Question #3



See the full Summary of Tax Law Changes enacted by the Second Regular Session of the 130th Legislature available on the MRS website at:

www.maine.gov/revenue/publications/rules

(click on "2022 Tax Law Changes" at top)





MRS Contact Information – NOTES

Public access to MRS facilities is limited to only accepting tax payments by deposit box at 51 Commerce Drive in Augusta.



MRS Contact Information – NOTES

Except for the Compliance Tax Division and the Taxpayer Contact Center, MRS telephone assistance hours are

9:00 am to 12:00 noon

Monday through Friday, except holidays.



MRS Contact Information

- E-File Help Desk (1040 only)
 - □ efile.helpdesk@maine.gov (207) 624-9730
- Tax Practitioner's Hotline
 - **(207)** 626-8458
- To order Forms
 - www.maine.gov/revenue (207) 624-7894



MRS Contact Information

Income Tax Division

□ <u>income.tax@maine.gov</u> (207) 626-8475

Withholding Tax Section

withholding.tax@maine.gov (207) 626-8475 (touch-tone callers, press 1, then option 4)



MRS Contact Information

Tax Violations Hot Line

☐ MRS.TAXTIP@maine.gov (207) 624-9600

Refund Information

www.maine.gov/revenue

Frequently Asked Questions

www.maine.gov/revenue



MRS Contact Information

MRS Taxpayer Contact Center

- (207) 624 9784 (9:00am to 12:00pm noon)
 - o Where's My Refund?
 - Schedule PTFC/STFC questions
 - O Why did I receive a Form 1099-G from Maine Revenue Services?





MRS Contact Information

All MRS telephone and email contact information is available at: www.maine.gov/revenue/contact.



QUESTIONS?



Thank you.

