



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 561

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H.P. 380

House of Representatives, February 19, 2013

### **An Act To Support Maine Farms and Alleviate Hunger**

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Reference to the Committee on Taxation suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative STUCKEY of Portland.  
Cosponsored by Representatives: DION of Portland, HICKMAN of Winthrop, Senators:  
President ALFOND of Cumberland, HASKELL of Cumberland, JACKSON of Aroostook,  
LACHOWICZ of Kennebec.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 36 MRSA §5219-II** is enacted to read:

3 **§5219-II. Farm donation credit**

4 A person engaged in commercial agricultural production, as defined in section 2013,  
5 subsection 1, paragraph A, may claim a credit against the taxes imposed by this Part  
6 equal to the fair market value up to \$5,000, as determined under Section 170(e) of the  
7 Code, of agricultural products donated to a food bank, food kitchen or other organization  
8 that is exempt under Section 501(c) of the Code or incorporated under Title 13-B and that  
9 provides food to low-income individuals without charging a fee for the food or requiring  
10 any other type of compensation from the low-income individual. For purposes of this  
11 section, "low-income individual" means a person who is a member of a lower income  
12 household as defined in Title 30-A, section 5002, subsection 11. A taxpayer may not  
13 claim a credit under this section if the taxpayer claims a deduction from federal income  
14 tax for a charitable contribution under Section 170 of the Code for the same donation.  
15 This credit may not reduce the tax otherwise due under this Part to less than zero.

16 This section is repealed December 31, 2017.

17 **Sec. 2. Application.** This Act applies to tax years beginning on or after January 1,  
18 2013 and before January 1, 2018.

19 **SUMMARY**

20 This bill provides an income tax credit for a donation of agricultural products with a  
21 fair market value of up to \$5,000 made by a person engaged in commercial agricultural  
22 production to a nonprofit corporation that provides food to low-income individuals and  
23 that does not charge a fee for the food or require any other type of compensation. The  
24 credit is repealed December 31, 2017.