

## §2621-A. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings. [PL 1983, c. 571, §5 (NEW).]

**1. Net railway operating income.** "Net railway operating income" means railway operating revenues, including debits and credits arising from equipment rents and joint facility rents, less railway operating expenses, tax accruals and uncollectible railway revenues. [PL 1983, c. 571, §5 (NEW).]

**2. Operating investment.** "Operating investment" means investment in railway property used in transportation service, less depreciation, plus cash, including temporary cash investments and special deposits, plus material and supplies. For purposes of railroad excise taxes payable in 1986, based upon operations for the calendar year 1985, "operating investment" also includes freight car operating leases of 10 years or more, valued at cost less straight-line depreciation over the initial term of the lease. [PL 1985, c. 477, §2 (AMD).]

**3. Maine capital tax credit.** "Maine capital tax credit" is a credit against the tax imposed by section 2624.

A. The credit allowed against the tax imposed by section 2624 shall be in an amount equal to:

- (1) The credit carry-forwards carried to the taxable year;
- (2) The amount of the current year credit; plus
- (3) The credit carry-backs carried to the taxable year. [PL 1989, c. 586, §1 (NEW); PL 1989, c. 702, Pt. E, §19 (AFF); PL 1989, c. 875, Pt. E, §59 (AFF).]

B. The credit shall be an amount equal to 45% of the expenditures for a taxable year related to capital investments, improvements or renovations to a railroad's operations in this State. [PL 1989, c. 586, §1 (NEW); PL 1989, c. 702, Pt. E, §19 (AFF); PL 1989, c. 875, Pt. E, §59 (AFF).]

C. If the sum of the credit carry-forwards to the taxable year plus the amount of the current taxable year credit authorized in this section would reduce the tax in the taxable year below the minimum tax set forth in section 2624, such excess shall be:

- (1) A credit carry-back to each of the preceding 3 taxable years; and
- (2) A credit carry-forward to each of the 5 taxable years following the taxable year. [PL 1989, c. 586, §1 (NEW); PL 1989, c. 702, Pt. E, §19 (AFF); PL 1989, c. 875, Pt. E, §59 (AFF).]

D. The entire amount of the unused credit shall be carried to the earliest of the taxable years to which, by reason of this subsection, the credit may be carried and then to each of the other taxable years to the extent the unused credit may not be used for a prior taxable year. In no event may a carry-back apply to any taxable year ending prior to January 1, 1990. [PL 1989, c. 586, §1 (NEW); PL 1989, c. 702, Pt. E, §19 (AFF); PL 1989, c. 875, Pt. E, §59 (AFF).]

E. In order for a taxpayer to qualify for a credit under this subsection, the taxpayer may not require any landowner to pay any fee or charge for maintenance or repair or to assume liability for crossings or rights-of-way if the landowner was not required to do so prior to July 1, 1987; and the taxpayer must continue to maintain crossings and rights-of-way which it was required to maintain on that date and may not remove the crossing if there is any objection to their being removed, provided that the landowner's use remains the same and that the landowner complies with requirements to keep gates secured. [PL 1989, c. 586, §1 (NEW); PL 1989, c. 702, Pt. E, §19 (AFF); PL 1989, c. 875, Pt. E, §59 (AFF).]

F. [PL 2003, c. 498, §8 (RP); PL 2003, c. 498, §12 (AFF).]

[PL 2003, c. 498, §8 (AMD); PL 2003, c. 498, §12 (AFF).]

#### SECTION HISTORY

PL 1983, c. 571, §5 (NEW). PL 1983, c. 593, §1 (AMD). PL 1985, c. 477, §2 (AMD). PL 1989, c. 586, §1 (AMD). PL 1989, c. 702, §E19 (AMD). PL 1989, c. 875, §E59 (AMD). PL 1991, c. 528, §N3 (AMD). PL 1991, c. 528, §§N4,RRR (AFF). PL 1991, c. 591, §N3 (AMD). PL 1991, c. 591, §N4 (AFF). PL 2003, c. 498, §8 (AMD). PL 2003, c. 498, §12 (AFF).

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