

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 1272 - L.D. 1979

An Act Regarding Surplus Lines Insurance Tax

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

Sec. 1. 36 MRSA §2531, sub-§2, as amended by PL 2021, c. 630, Pt. A, §2, is further amended to read:

2. Rate and incidence of tax. Except as otherwise provided in section 2532, the rate of taxation ~~on~~ is 3% of the premiums subject to tax under this section ~~is the greater of 3% and the highest rate of taxation that applies to nonadmitted insurance premiums in the state, district or possession of the United States or province of Canada in which the insurer is incorporated. For purposes of this section, an insurance company incorporated in another country is deemed to be incorporated in the state, district or possession of the United States where it has elected to make its deposit and establish its principal agency in the United States.~~ For all coverage placed in accordance with Title 24-A, chapter 19, the tax must be paid by the surplus lines producer. For all other nonadmitted insurance, the tax must be paid by the insured.

Sec. 2. Retroactivity. This Act applies retroactively to January 1, 2023.