

SENATE. No. 2416

The Commonwealth of Massachusetts

SENATE, July 30, 1996.

The committee on Ways and Means, to whom was committed the House Bill relative to giving Massachusetts ports a competitive edge via a corporate tax credit (House, No. 6055), reports recommending that the same ought to pass, with an amendment by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2416, and with a further amendment by striking out the title and inserting the following title:— “An Act relative to credit for Harbor maintenance taxes paid”.

For the committee,

STANLEY C. ROSENBERG.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Six.

1 SECTION 1. Chapter 63 of the General Laws, as appearing in
2 the 1994 Official Edition, is hereby amended by inserting after
3 section 38O the following section:—

4 Section 38P. (a) As used in this section, the following terms
5 shall have the following meanings:

6 “Break-bulk cargo”, shall mean general goods, commodities or
7 wares which are customarily shipped in boxed, bagged, crated
8 or unitized form, held in the vessel’s general holding areas, and
9 handled by the piece, unit or in separate lots; without limiting the
10 generality of the foregoing definition of break-bulk cargo, that
11 term shall include road motor vehicles and other odd-size cargo,
12 but shall not include containerized cargo or bulk cargo.

13 “Bulk cargo”, shall mean unsegregated mass commodities
14 including, without limitation, items such as petroleum products,
15 coal and bulk salt which are carried loose and which are cus-
16 tomarily loaded and unloaded by pumping, shoveling, scooping or
17 other similar means.

18 “Containerized cargo”, shall mean general goods, commodities
19 or wares that are shipped in non-disposable, reusable, commercial
20 sized shipping containers that are customarily used on sea and
21 ocean going vessels for the convenient shipment of such goods,
22 commodities or wares.

23 (b) A corporation subject to the excise imposed under sections
24 thirty-two or thirty-nine shall be allowed a nonrefundable credit
25 for the qualifying harbor maintenance tax paid during the taxable
26 year. Qualifying harbor maintenance tax shall be the tax paid to
27 the federal government by a corporation as a shipper, importer or
28 exporter pursuant to section forty-four hundred and sixty-one of
29 the federal Internal Revenue Code subject to the following condi-
30 tions and limitations: (1) the tax must be paid with respect to the
31 shipment of break-bulk cargo or containerized cargo; (2) the tax
32 must be paid with respect to shipment by sea and oceangoing ves-
33 sels through ports located in this commonwealth; and (3) tax paid
34 with respect to passengers, the shipment of bulk cargo or the ship-
35 ment of any other cargo or item or commerce not included within

36 the meaning of clause (1) hereof is not qualifying harbor mainte-
37 nance tax.

38 (c) The credit allowed under this section for qualifying harbor
39 maintenance tax shall not be subject to the limitations of section
40 thirty-two C; provided, however, that the credit allowed by this
41 section shall not reduce the excise due under this chapter below
42 the minimum excise provided by sections thirty-two (b) and
43 thirty-nine (b) of this chapter.

44 (d) Any unused credit may be carried forward from the year
45 earned, and applied against the excise due from the taxpayer
46 under this chapter in any of the succeeding five taxable years.

1 SECTION 2. This act shall apply to qualified harbor
2 maintenance tax paid on or after July first, nineteen hundred
3 and ninety-six.

