

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 (After Deadline)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 2165

7
8 H.P. 1530

House of Representatives, March 11, 1986

9 Approved for introduction by a majority of the Legislative Council
10 pursuant to Joint Rule 27.

11 Referred to the Committee on Taxation. Sent up for concurrence and
12 ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Cashman of Old Town.

Cosponsored by Speaker Martin of Eagle Lake, Senator Emerson of
12 Penobscot and Representative Ingraham of Houlton.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 AN ACT Concerning Property Tax Assessment and
19 Appeals.
20

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

23 Sec. 1. 3 MRSA §507, sub-§10, ¶B, as repealed
24 and replaced by PL 1983, c. 819, Pt. A, §4, is
25 amended to read:

26 B. Unless continued or modified by law, the fol-
27 lowing Group E-2 independent agencies shall ter-
28minate, not including the grace period, no later
29 than June 30, 1989. The Board of Emergency Munic-
30 ipal Finance, the Finance Authority of Maine and
31 the Maine Municipal Bond Bank shall not termi-
32nate, but shall be reviewed by the Legislature no
33 later than June 30, 1989:

34 (1) Board of Emergency Municipal Finance;

1 Sec. 13. 36 MRSA §583, as amended by PL 1979, c.
2 666, §19, is further amended to read:

3 §583. Abatement

4 Assessments made under this subchapter and deni-
5 als of applications for valuation under this subchap-
6 ter are subject to the abatement procedures provided
7 by section 841. Appeal from an abatement decision
8 rendered under section 841 shall be to the ~~Land Clas-~~
9 ~~sification Appeals Board~~ State Board of Property Tax
10 Review.

11 Sec. 14. 36 MRSA §701-A, as enacted by PL 1969,
12 c. 246, is amended to read:

13 §701-A. Just value defined

14 In the assessment of property, assessors in de-
15 termining just value are to define this term in a
16 manner which recognizes only that value arising from
17 presently possible land use alternatives to which the
18 particular parcel of land being valued may be put.
19 Assessors must consider the effect upon value of any
20 enforceable restrictions to which the use of the land
21 may be subjected. Restrictions shall include but are
22 not limited to zoning restrictions limiting the use
23 of land, subdivision restrictions and any recorded
24 contractual provisions limiting the use of lands. The
25 just value of land is deemed to arise from and is at-
26 tributable to legally permissible use or uses only.
27 In determining just value, the assessor must consider
28 the effect upon value of any functional or economic
29 obsolescence.

30 Sec. 15. 36 MRSA §841-B, as repealed and re-
31 placed by PL 1985, c. 295, §54, is repealed.

32 Sec. 16. 36 MRSA §841-C, as amended by PL 1983,
33 c. 855, §5, is repealed.

34 Sec. 17. 36 MRSA §842, as amended by PL 1977, c.
35 509, §17, is further amended to read:

36 §842. Notice of decision

1 The assessors, municipal officers, chief assessor
2 or the State Tax Assessor, in the case of the unorga-
3 nized territory, shall give to any person applying to
4 them for an abatement of taxes notice in writing of
5 their decision upon ~~such the~~ application within 10
6 days after they take final action thereon. If the as-
7 sessors, municipal officers, chief assessor or State
8 Tax Assessor, before whom an application in writing
9 for the abatement of a tax is pending, fails to give
10 written notice of their decision within ~~90~~ 60 days
11 from the date of filing of ~~such the~~ application, the
12 application shall be deemed to have been denied, and
13 the applicant may appeal as provided, unless the ap-
14 plicant shall in writing have consented to further
15 delay.

16 Sec. 18. 36 MRSA §843, as amended by PL 1981, c.
17 698, §180, is further amended to read:

18 §843. Appeals

19 1. Municipalities. Where the municipality has
20 adopted a board of assessment review, if the asses-
21 sors or the municipal officers refuse to make the
22 abatement asked for, the applicant may apply in writ-
23 ing to the board of assessment review within 60 days
24 after notice of the decision from which the appeal is
25 being taken or after the application is deemed to
26 have been denied, and, if the board thinks he is
27 over-assessed, he shall be granted such reasonable
28 abatement as the board thinks proper. Either party
29 may appeal from the decision of the board of assess-
30 ment review directly to the Superior Court, in ac-
31 cordance with Rule 80B of the Maine Rules of Civil
32 Procedure. If the board of assessment review fails
33 to give written notice of their decision within 60
34 days of the date the application is filed, unless the
35 applicant agrees in writing to further delay, the ap-
36 plication shall be deemed denied and the applicant
37 may appeal to Superior Court as if there had been a
38 written denial or the applicant may appeal to the
39 Board of Property Tax Review by following the proce-
40 dures specified in subsection 2.

41 2. Primary assessing areas. If the chief asses-
42 sor, municipal officer or the State Tax Assessor re-
43 fuses to make the abatement asked for, the applicant

1 may apply in writing to the State Board of Assessment
2 Review Property Tax Review within 60 days after no-
3 tice of the decision from which such the appeal is
4 being taken or after the application shall be deemed
5 to have been denied, and if the board thinks he is
6 over-assessed, he shall be granted such reasonable
7 abatement as the board thinks proper. The decision
8 of the State Board of Assessment Review Property Tax
9 Review shall be deemed final agency action by that
10 board under the Maine Administrative Procedure Act.
11 Appeals to the State Board of Assessment Review Prop-
12 erty Tax Review shall be directed to the Chairman of
13 the State Board of Assessment Review Property Tax
14 Review, who shall convene the board to hear the ap-
15 peal and shall notify all parties of the time and
16 place thereof.

17 Sec. 19. 36 MRSA §844, as amended by PL 1981, c.
18 364, §22, is further amended to read:

19 §844. -- to county commissioners

20 Except where the municipality has adopted a board
21 of assessment review or has been designated as a pri-
22 mary assessing area, if the assessors or the municipi-
23 pal officers refuse to make the abatement asked for,
24 the applicant may apply to the county commissioners,
25 within 60 days after notice of the decisions from
26 which the appeal is being taken, or within 60 days
27 after the application is deemed to have been denied.
28 If they think that he is over-assessed, he shall be
29 granted such reasonable abatement as they think prop-
30 er, and if he has paid the tax, he shall be reim-
31 bursed out of the municipal treasury, with costs in
32 either case. If the applicant fails, the commission-
33 ers shall allow costs to the municipality, taxed as
34 in a civil action in the Superior Court, and issue
35 their warrant of distress against him for collection
36 of such amount as may be due the municipality. The
37 commissioners may require the assessors or municipal
38 clerk to produce the valuation by which the assess-
39 ment was made, or a copy of it. Either party may ap-
40 peal from the decision of said county commissioners
41 to the Superior Court, in accordance with Rule 80B of
42 the Maine Rules of Civil Procedure. If the county
43 commissioners fail to give written notice of their
44 decision within 60 days of the date the application

1 is filed, unless the applicant agrees in writing to
2 further delay, the application shall be deemed denied
3 and the applicant may appeal to Superior Court as if
4 there had been a written denial or the applicant may
5 appeal to the State Board of Property Tax Review by
6 following the procedures specified in section 843,
7 subsection 2.

8 Sec. 20. 36 MRSA §1118, as repealed and replaced
9 by PL 1979, c. 666, §25, is amended to read:

10 §1118. Appeals and abatements

11 The denial of an application or an assessment
12 made under this subchapter is subject to the abate-
13 ment procedures provided by section 841. Appeal from
14 a decision rendered under section 841 or a recom-
15 mended current use value established under section
16 1106 shall be to the ~~Land Classification Appeals~~
17 ~~Board~~ State Board of Property Tax Review.

18 Sec. 21. 36 MRSA §2865, sub-§2, as enacted by PL
19 1981, c. 711, §10, is amended to read:

20 2. Valuation. If a mine site is located in a
21 municipality, he shall determine the valuation of
22 mining property and the percentage of that valuation
23 represented by land and buildings not exempt from
24 property taxes. That valuation of land and buildings
25 shall be applied in determining the property taxes.
26 A municipality in which a mine site is located may
27 appeal that determination to the ~~Municipal Valuation~~
28 ~~Appeals Board~~ State Board of Property Tax Review as
29 provided under ~~section 291~~ subchapter II-A.

30 Sec. 22. Appropriation. The following funds are
31 appropriated from the General Fund to carry out the
32 purposes of this Act.

33		<u>1986-87</u>
34	Municipal Valuation Appeals Boards	
35	Positions	(-1.0)
36	Personal Services	\$(20,479)
37	All Other	<u>(11,442)</u>
38	Total	\$(31,921)

1 Section 11 provides that the State Tax Assessor
2 will establish guidelines for professional assessing
3 firms and provide technical assistance to municipali-
4 ties.

5 Section 14 provides that in determining just val-
6 ue, an assessor must consider functional and economic
7 obsolescence. This provision is not intended to
8 change the constitutional requirement that all prop-
9 erty be valued at just or market value.

10 Section 17 changes from 90 days to 60 days the
11 period of time for local decisions on a request for
12 an abatement.

13 Section 18 provides that where there is a local
14 board of assessment review, and it does not decide on
15 an appeal of an abatement within 60 days, that the
16 taxpayer may elect to appeal to either the Superior
17 Court or to the State Board of Property Tax Review.

18 Section 19 provides that where abatement appeals
19 are made to county commissioners, and they do not de-
20 cide on an appeal of an abatement within 60 days,
21 that the taxpayer may elect to appeal to either Supe-
22 rior Court or to the State Board of Property Tax Re-
23 view.

24 Section 22 deappropriates funds from 2 boards be-
25 ing repealed and reappropriates the same amount to
26 the new State Board of Property Tax Review.

27

5980022486