

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Amend the Circuitbreaker Program To Include Claimants Occupying Property Pursuant to a Trust and To Require Proof of Payment of Rent

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

Sec. 1. 36 MRSA §6201, sub-§5, as amended by PL 1995, c. 368, Pt. CCC, §7 and affected by §11, is further amended to read:

5. Homestead. "Homestead" means the dwelling owned or rented by the claimant or held in a ~~revocable living~~ trust for the benefit of the claimant and occupied by the claimant and the claimant's dependents as a home, and may consist of a part of a multidwelling or multipurpose building and a part of the land, up to 10 acres, upon which it is built. "Owned" includes a vendee in possession under a land contract and of one or more joint tenants or tenants in common. For purposes of this subsection, "trust" means a legally binding agreement, including, but not limited to, a revocable living trust, that allows the owner of the dwelling to transfer the property but continue to occupy the dwelling as a homestead until some future event stated in the agreement.

Sec. 2. 36 MRSA §6204-A is enacted to read:

§ 6204-A. Proof of payment of rent

For applications filed on or after August 1, 2012, a claimant who rents a homestead and whose benefit base is calculated based on rent constituting property taxes accrued shall submit with the claim for a benefit under this chapter proof of payment of rent by the claimant. An application that does not include proof of payment of rent is considered an incomplete application and the claim must be disallowed until such time as the proof of payment of rent is received by the assessor. For purposes of this section, "proof of payment of rent" means either a notarized statement signed by the claimant stating that the rent for the year for which relief is requested has been paid in full or a signed letter from the claimant's landlord stating that the rent for the year for which relief is requested has been paid in full.

Sec. 3. Application. That section of this Act that amends the Maine Revised Statutes, Title 36, section 6201, subsection 5 applies to applications for the Circuitbreaker Program filed on or after August 1, 2012.

SUMMARY

Currently, under the Circuitbreaker Program, a person occupying a homestead that is held in a revocable living trust is eligible for benefits under the program, as long as all other requirements of the program are met. This bill increases the eligibility in the Circuitbreaker Program by allowing a person to apply for benefits if that person is occupying a homestead under a legally binding agreement that allows the person to transfer the property but continue to reside in it as a homestead until some specified future event.

SP0579, LD 1680, item 1, 125th Maine State Legislature
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Property Pursuant to a Trust and To Require Proof of Payment of Rent

Under the Circuitbreaker Program, a renter may claim that portion of the rent that constitutes the property taxes paid on the renter's homestead. This bill requires the renter to provide with the application for benefits under the Circuitbreaker Program either a notarized statement signed by the claimant or a letter signed by the claimant's landlord stating that the rent for the year that the Circuitbreaker Program benefit is claimed has been paid in full.