

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1501

S. P. 502

In Senate, March 17, 1971

Referred to Committee on Taxation. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Martin of Piscataquis.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT to Provide One Property Tax Rate for the Unorganized Territory.

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

Sec. 1. R. S., T. 12, § 1601, repealed and replaced. Section 1601 of Title 12 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§ 1601. Annual district tax

A tax is assessed upon all the property in organized municipalities in the Maine Forestry District, including rights in public reserved lots in plantations, to be used for the protection thereof. In organized municipalities the tax rate shall be $8\frac{1}{2}$ mills annually, multiplied by a fraction whose numerator is the previous year's assessed value of the land taxable by the municipality, including dams and power houses but not including any other structure or building, and whose denominator is the total previous year's assessed value of all property taxable by the municipality. Said tax shall be paid on or before the first day of October, annually. The valuation as determined by the State Tax Assessor, and set forth in the statement filed by him as provided by Title 36, sections 381 or 381-A, shall be the basis for the computation and apportionment of the tax assessed.

There shall be appropriated from the General Fund to the Maine Forestry District an amount to provide for fire protection in the unorganized territory of the Maine Forestry District.

Sec. 2. R. S., T. 12, § 1602, amended. Section 1602 of Title 12 of the Revised Statutes is amended to read as follows:

§ 1602. Payment of expenses

All expenses incurred under this subchapter and subchapters II and IV shall be paid from the funds raised and created by the tax assessed under section 1601 and from funds appropriated from the General Fund for fire protection of unorganized territory in the Maine Forestry District.

Sec. 3. R. S., T. 12, § 1603, amended. Section 1603 of Title 12 of the Revised Statutes, as amended by section 58 of chapter 226 of the public laws of 1965, is further amended to read as follows:

§ 1603. Appropriation for payment of claims, accounts and demands

So much of the funds raised by the tax imposed and paid into the treasury, and of funds appropriated from the General Fund for fire protection of unorganized territory in the Maine Forestry District as may be necessary to pay the claims, accounts and demands arising under this subchapter and subchapters II and IV, is appropriated to pay the same, and the Governor and Council shall authorize the State Controller to draw his warrant therefor at any time. Any balance remaining shall continue from year to year as a fund available for the purposes defined in ~~sections 1605 and~~ section 1607.

Sec. 4. R. S., T. 12, § 1605, repealed. Section 1605 of Title 12 of the Revised Statutes is repealed.

Sec. 5. R. S., T. 20, § 1461, repealed and replaced. Section 1461 of Title 20 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 1461. Appropriation

1. **Cost and interest.** The total cost of school privileges provided in all the unorganized units under sections 1451, 1453, 1454 and 1458 for the biennium ending on the preceding June 30th, together with an additional charge of 8% of such total cost for administration but with deduction for the amount of interest on lands reserved, if any, prorated to allow for the allocation provided by Title 30, section 4164, subsection 1, of any unorganized unit for paid bienniums and any other sums credited to the Unorganized Territory School Fund, shall be appropriated from the General Fund to the Unorganized Territory School Fund for the next biennium.

2. **Additional Amount.** Such additional amounts as are recommended by the commissioners as necessary to carry out sections 1451, 1453, 1458, 1460, 1472 and 1478 may be appropriated by the Legislature and credited to the Unorganized Territory School Fund.

3. **Unexpended Balance.** Any unexpended balance in the Unorganized Territory School Fund shall be carried forward and shall not lapse into the Unappropriated Surplus Account.

Sec. 6. R. S., T. 20, § 1462, amended. The first sentence of section 1462 of Title 20 of the Revised Statutes, is amended to read as follows:

The Unorganized Territory Capital Working Fund, as heretofore established and hereafter in ~~sections 1462 to 1471~~ this chapter referred to as the "fund,"

shall be a continuing fund in the books of the State to be used as provided in section 1463.

Sec. 7. R. S., T. 20, § 1464, repealed and replaced. Section 1464 of Title 20 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 1464. Appropriation for capital outlay

Expenditure for capital outlay made during any school year ending June 30th in any unorganized unit as defined in section 1451 shall be appropriated from the General Fund to the Unorganized Territory Capital Working Fund.

Sec. 8. R. S., T. 20, § 1465, repealed. Section 1465 of Title 20 of the Revised Statutes is repealed.

Sec. 9. R. S., T. 20, § 1466, repealed. Section 1466 of Title 20 of the Revised Statutes, as amended by section 15 of chapter 502 of the public laws of 1969, is repealed.

Sec. 10. R. S., T. 20, §§ 1467 to 1470, repealed. Sections 1467 to 1470 of Title 20 of the Revised Statutes, are repealed.

Sec. 11. R. S., T. 23, § 4051, repealed and replaced. Section 4051 of Title 23 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 4051. Inspection of roads; assessments for repairs; agent to superintend repairs

The county commissioners in September or October annually, by one or more of their board, shall make an inspection of all county roads, state and state aid highways and other roads originally located as town roads in the unorganized territory, deorganized towns and tracts of land in their counties and shall thereupon make an estimate of the amount needed for repairs, cutting bushes, maintenance, snow removal and improvements, so as to comply with the state highway laws, and to otherwise make them safe and convenient for public travel for the following year and to comply with the above requirements there shall be appropriated for each year of the biennium from the General Fund to the respective county treasurers a sum not to exceed 3% of the total valuation of each unorganized township, deorganized town or lot or parcel of land not included in any township in their respective counties, according to the last state valuation. The county commissioners shall cause so much thereof, as they deem necessary for the purpose aforesaid, to be expended on said roads within 5 years from the appropriation.

Sec. 12. R. S., T. 23, § 4052, repealed and replaced. Section 4052 of Title 23 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 4052. Repair of roads and bridges; assessment; agents

County commissioners, in case of sudden injury to county roads and bridges in unincorporated townships and tracts of land in their counties or where

said roads and bridges are rendered impassable by snow, may cause them to be repaired or made passable forthwith or as soon as they deem necessary, and may appoint an agent or agents, not members of their own board, to superintend the expenditure therefore, who shall give bond as required in section 4102. There shall be appropriated from the General Fund to the county treasurers an amount to provide funds for the purposes of this section.

Sec. 13. R. S., T. 30, § 254, amended. Section 254 of Title 30 of the Revised Statutes is amended to read as follows:

§ 254. Apportionment of county tax; warrants

When a county tax is authorized, the county commissioners shall, in March in the year for which such tax is granted, apportion it upon the ~~towns municipalities~~ and ~~other unorganized~~ places according to the last state valuation and fix the time for the payment of the same, which shall not be earlier than the first day of the following September. They may add such sum above the sum so authorized, not exceeding 2% of said sum, as a fractional division renders convenient and certify that fact in the record of said apportionment, and issue their warrant to the **municipal** assessors requiring them forthwith to assess the sum apportioned to their ~~town or place municipality~~, and to commit their assessment to the constable or collector for collection ~~and the county treasurer shall immediately certify the millage rate to the State Tax Assessor.~~ There shall be appropriated from the General Fund to the respective county treasurers an amount equal to the tax apportioned to unorganized places in their respective counties.

Sec. 14. R. S., T. 30, § 1201, amended. The 2nd, 3rd and 4th sentences of the first paragraph of section 1201 of Title 30 of the Revised Statutes, are repealed.

Sec. 15. R. S., T. 30, § 1201, amended. The first paragraph of section 1201 of Title 30 of the Revised Statutes, as last amended by section 58-A of chapter 590 of the public laws of 1969, is further amended by adding at the end a new sentence to read as follows:

There shall be appropriated from the General Fund to the county treasurers an amount to provide the fire protection authorized by this section.

Sec. 16. R. S., T. 30, § 1201, amended. The first sentence of the last paragraph of section 1201 of Title 30 of the Revised Statutes, as enacted by chapter 354 of the public laws of 1967, is amended to read as follows:

All sums paid to counties ~~by the State Tax Assessor~~ **through their county treasurers from General Fund Appropriations** under this section for fire protection shall be expended by the county commissioners exclusively for the purposes for which the ~~assessments~~ **appropriations** were made.

Sec. 17. R. S., T. 30, § 1202, amended. The last 3 sentences of section 1202 of Title 30 of the Revised Statutes, are repealed.

Sec. 18. R. S., T. 30, § 1202, amended. Section 1202 of Title 30 of the Revised Statutes, as amended, is further amended by adding at the end a new sentence to read as follows:

There shall be appropriated from the General Fund to the county treasurers an amount to provide the fire protection and public dumps authorized by this section.

Sec. 19. R. S., T. 30, § 1203, amended. Section 1203 of Title 30 of the Revised Statutes, as enacted by chapter 292 of the public laws of 1969, is amended by adding at the end a new sentence to read as follows:

There shall be appropriated from the General Fund to the county treasurers the amount to establish and maintain the public dumps authorized by this section.

Sec. 20. R. S., T. 36, § 451, amended. The first sentence of section 451 of Title 36 of the Revised Statutes, as amended by chapter 345 of the public laws of 1965, is further amended to read as follows:

For necessary expenses of local and State Government, a tax is assessed annually ~~at the rate of 15 mills on the dollar~~ upon each municipality, township and each lot and parcel of land not included in any township in the State at a rate equal to the median of the mill rates of all the organized municipalities adjusted to 100% of just value.

Sec. 21. R. S., T. 36, § 1141, amended. The first sentence of section 1141 of Title 36 of the Revised Statutes, as amended by section 2 of chapter 271 of the public laws of 1967, is further amended to read as follows:

Real estate not exempt, and not liable to be assessed in any town, may be taxed by the Legislature for a just proportion of all ~~state, county and forestry district~~ taxes as herein provided for ordering the ~~state, county and forestry district~~ taxes upon property liable to be assessed in towns.

Sec. 22. R. S., T. 36, § 1141, amended. The last paragraph of section 1141 of Title 36 of the Revised Statutes, as amended by section 9 of chapter 502 of the public laws of 1969, is repealed and the following enacted in place thereof.

There shall be appropriated from the General Fund to the Forestry Department an amount to provide fire protection for all unorganized areas outside the Maine Forestry District.

Sec. 23. R. S., T. 36, § 1142, amended. The first and the 4th sentences of section 1142 of Title 36 of the Revised Statutes, as amended, are further amended to read as follows:

When the real estate mentioned in section 1141 is assessed for any ~~state, county and forestry district~~ taxes, the State Tax Assessor shall determine the proportionate amount of such taxes due from the owners of such real estate by applying the total millage rate of all such taxes against the valuation as listed by the State Tax Assessor.

Such list shall contain the total amount of any ~~state, county and forestry district~~ taxes due from each owner of real estate mentioned in section 1141 and each owner of rights in public reserved lots, and shall contain the mill-

age rate used in determining the proportionate amount of taxes due from such owners.

Sec. 24. R. S., T. 36, § 1144, repealed. Section 1144 of Title 36 of the Revised Statutes, as amended by section 4 of chapter 271 of the public laws of 1967, is repealed.

Sec. 25. R. S., T. 36, § 1145, amended. The first, 5th and 6th sentences of section 1145 of Title 36 of the Revised Statutes, as amended by section 5 of chapter 271 of the public laws of 1967, are further amended to read as follows:

When any ~~state, county and forestry district~~ taxes are assessed as provided for in section 1142, the State Tax Assessor shall, on or before the first day of July thereafter, notify in writing the owners of real estate so assessed, by sending to each by mail at his last known address, a statement containing a brief description of the real estate assessed, the date when payment is required, and the amount in total due from each such owner of all such ~~state, county and forestry district~~ taxes.

The State Tax Assessor shall mail to each owner or owners, making a written request therefor, a statement showing the amount of each ~~state, county and forestry district~~ tax assessed on the real estate of such owner or owners.

Such real estate is held to the State for payment of such ~~state, county and forestry district~~ taxes, with interest thereon at the rate of 6% per year to commence on October 1st upon the taxes for the year for which such assessment is made.

Sec. 26. R. S., T. 36, § 1231, amended. The 2nd sentence of section 1231 of Title 36 of the Revised Statutes is amended to read as follows:

Such property shall be assessed by said State Tax Assessor for a just proportion of all ~~state and county~~ taxes.

Sec. 27. R. S., T. 36, § 1281, amended. The first sentence of section 1281 of Title 36 of the Revised Statutes, as last amended by section 1 of chapter 2 of the public laws of 1969, is further amended to read as follows:

~~State, county and forestry district taxes~~ **Taxes** on real estate mentioned in section 1141, including supplementary taxes assessed under section 1331, shall be delinquent on the first day of February next following the date of assessment.

Sec. 28. R. S., T. 36, § 1283, amended. The last 2 sentences of the first paragraph of section 1283 of Title 36 of the Revised Statutes, as amended, are further amended to read as follows:

On the 30th day of March annually, whenever the State shall have acquired title to real estate assessed for any ~~state, county and forestry district~~ taxes, the State Tax Assessor shall certify to the State Controller the amount of unpaid taxes, interest and costs then outstanding. Unpaid ~~state, county and forestry district~~ taxes and interest and costs on the books of the State shall be charged against the General Fund.

Sec. 29. R. S., T. 36, § 1284, amended. The first sentence of section 1284 of Title 36 of the Revised Statutes, as amended by section 3 of chapter 2 of the public laws of 1969, is further amended to read as follows:

The State Tax Assessor may bring a civil action in his own name to enforce the lien on real estate created by section 552, to secure the payment of ~~state, county and forestry district~~ taxes assessed under section 1141 ~~1144~~ and 1331 upon real estate not liable to be assessed in any town.

Sec. 30. R. S., T. 36, § 1285, amended. The first sentence of section 1285 of Title 36 of the Revised Statutes, as amended by section 10 of chapter 271 of the public laws of 1967, is further amended to read as follows:

In addition to the methods of collecting ~~state, county and forestry district~~ taxes provided by law, owners of real estate in unorganized townships shall be liable to pay such taxes to the State Tax Assessor upon demand.

Sec. 31. R. S., T. 36, § 1331, amended. The first sentence of the first paragraph of section 1331 of Title 36 of the Revised Statutes, as amended by section 12 of chapter 271 of the public laws of 1967, is further amended to read as follows:

The State Tax Assessor shall make a supplementary assessment of any ~~state, county or forestry district~~ tax on real estate which has been acquired by the State for nonpayment of such tax, which has been omitted from the state valuation and which has been conveyed by legislative authorization.

Sec. 32. R. S., T. 36, § 1331, amended. The first sentence of the 2nd paragraph of section 1331 of Title 36 of the Revised Statutes, as amended by section 12 of chapter 271 of the public laws of 1967, is further amended to read as follows:

The State Tax Assessor shall make a supplementary assessment of any ~~state, county or forestry district~~ tax on real estate in unorganized territory omitted by error from the last previous state valuation, and of buildings located in unorganized territory built since the last previous state valuation.

STATEMENT OF FACT

The intent of this Act is to provide a single property tax rate upon all taxable property in the unorganized territory equal to the median of the mill rates of all the organized municipalities adjusted to 100% of just value. In order to provide the single tax rate, there is an elimination of the taxes assessed on property in the unorganized territory of the State for special purposes, i.e. the Forestry District Tax, the Forest Fire Protection Tax (for unorganized areas outside the Maine Forestry District), the County tax, a school operating tax, a school capital tax, a road maintenance tax, fire protection tax; and a public service tax.

There are to be appropriations from the General Fund for the special pur-

poses formerly paid for by the taxes assessed on property in the unorganized territory which assessments have been eliminated by provisions of this Act. These appropriations will be offset by additional revenue to the General Fund from the increase in the single property tax rate from the present 15 mills to the median of the mill rates of all the organized municipalities adjusted to 100% of just value as provided by this Act.