

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

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Legislative Document

No. 1222

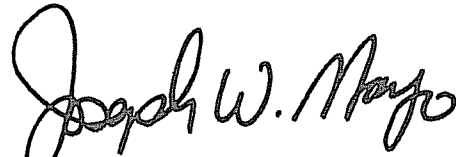
H.P. 907

House of Representatives, April 8, 1993

**An Act to Amend the Maine Tree Growth Tax Law.**

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Reference to the Committee on Taxation suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative SPEAR of Nobleboro.

Cosponsored by Representatives: BAILEY of Township 27, BARTH of Bethel, CROSS of Dover-Foxcroft, STROUT of Corinth, Senator: BEGLEY of Lincoln.

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

2  
4       **Sec. 1. 36 MRSA §578, sub-§1**, as amended by PL 1989, c. 857,  
§76, is further amended by amending the 3rd paragraph to read:

6       In tax years beginning on or after April 1, 1988, the State Tax  
8       Assessor shall determine annually the amount of acreage in each  
10       municipality that is classified and taxed in accordance with this  
12       subchapter. A municipality actually levying and collecting  
14       municipal property taxes and within whose boundaries this acreage  
16       lies is entitled to annual payments from money so appropriated by  
18       the Legislature provided it submits an annual return in  
20       accordance with section 383 and it achieves the appropriate  
22       minimum assessment ratio described in section 327. For the  
24       property tax year based on the status of property on April 1,  
26       1988, the per acre reimbursement amount increases from 15¢ to  
28       24¢. For property tax years based on the status of property on  
30       April 1, 1989, or thereafter, the per acre reimbursement is 90%  
32       of the per acre tax revenue lost as a result of this subchapter.  
For purposes of this section, the tax lost is the tax that would  
have been assessed, but for this subchapter, on the classified  
forest lands if they were assessed according to the undeveloped  
acreage valuations used in the state valuation then in effect, or  
according to the current local valuation on undeveloped acreage,  
whichever is less, minus the tax that was actually assessed on  
the same lands in accordance with this subchapter. A  
municipality that fails to achieve the minimum assessment ratio  
established in section 327 loses 10% of the reimbursement  
provided by this section for each one percentage point the  
minimum assessment ratio falls below the ratio established in  
section 327.

34       **Sec. 2. 36 MRSA §581, 5th ¶**, as amended by PL 1977, c. 509,  
§9, is further amended to read:

36       Such penalties shall must be paid to the tax collector as  
38       additional property taxes upon withdrawal. Such penalties may be  
assessed and collected as supplemental assessments in accordance  
with section 713.

40       **Sec. 3. 36 MRSA §713, first ¶**, as amended by PL 1979, c. 31, is  
42       further amended to read:

44       Supplemental assessments may be made within 3 years from the  
46       last assessment date whenever it is determined that any estates  
48       liable to taxation have been omitted from assessment or any tax  
on estates is invalid or void by reason of illegality, error or  
irregularity in assessment, or to recover any penalty imposed  
under section 581 or 1112. A supplemental assessment may be made

2 during the municipal year whenever, through error or  
3 inadvertance, the assessors have omitted from their assessment or  
4 commitment taxes duly raised by the municipality or its  
5 proportion of any state or county tax payable during the  
6 municipal year. In municipalities not a part of a primary  
7 assessing area, the assessors for the time being may, by a  
8 supplement to the invoice and valuation and the list of  
9 assessments, assess such estates for their due proportion of such  
10 tax, according to the principles on which the previous assessment  
11 was made. In primary assessing areas, the chief assessor may, by  
12 a supplement to the valuation list, certify the valuation of such  
13 estates to the municipal officers who shall assess such estates  
14 according to the principles upon which the previous assessment  
15 was made.

16 **Sec. 4. 36 MRSA §713, 2nd ¶**, as amended by PL 1979, c. 612, is  
17 further amended to read:

18 Such supplemental assessments ~~shall~~ must be committed to the  
19 collector for the time being with a certificate as provided in  
20 sections 709 and 709-A stating that they were invalid ~~ex~~, void or  
21 omitted or to recover a penalty imposed pursuant to section 581  
22 or 1112 and that the powers in the previous warrant, naming the  
23 date of it, are extended thereto. The tax collector has the same  
24 power, and is under the same obligation to collect them, as if  
25 they had been contained in the original list. Interest ~~shall~~  
26 ~~accrue~~ accrues on all unpaid balances of any supplemental tax,  
27 beginning on the 60th day after the date of commitment of the  
28 supplemental tax to the collector or the date interest accrues  
29 for delinquent taxes under the original commitment, whichever  
30 occurs later. The rate of interest ~~shall--be~~ is the same as  
31 specified by the municipality for the current tax year, in  
32 accordance with section 505, subsection 4.

33 **Sec. 5. 36 MRSA §1112, 5th ¶**, as enacted by PL 1989, c. 555,  
34 §19, is amended to read:

35 For land classified as open space under this subchapter, the  
36 penalty ~~shall--be~~ is the same imposed on tree growth withdrawal in  
37 section 581 and may be assessed and collected as a supplemental  
38 assessment in accordance with section 713.

#### 42 44 46 **STATEMENT OF FACT**

47 This bill amends the Maine Tree Growth Tax Law and prorates  
48 the loss of tree growth reimbursement at the rate of 10% for  
every percentage point that the municipality fails to meet the

2 minimum assessing ratio, thereby providing relief to  
3 municipalities that fail to achieve the appropriate ratio by a  
4 comparatively small margin.

6 The bill provides that penalties imposed as a result of  
7 withdrawal from forest land classification or as a result of  
8 disqualification from open space classification are recoverable  
9 through the supplemental assessment process outlined in the Maine  
10 Revised Statutes, Title 36, section 713.

12 The bill establishes the procedure for collecting a  
13 supplemental assessment made to recover a forest land or open  
14 space withdrawal penalty.

16 The bill provides that penalties imposed as a result of  
17 withdrawal from forest land classification are recoverable  
18 through the supplemental assessment process outlined in Title 36,  
19 section 713.

20 The bill also provides that penalties imposed as a result of  
21 disqualification or withdrawal from open space classification is  
22 recoverable through the supplemental assessment process outlined  
23 in Title 36, section 713.  
24