

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)



117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1636

H.P. 1192

House of Representatives, January 3, 1996

An Act to Amend the Laws Regarding the Taxation of Subdivisions.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26
Reference to the Committee on Taxation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative FISHER of Brewer.

Cosponsored by Representatives: HATCH of Skowhegan, KEANE of Old Town, MITCHELL of Vassalboro, SAXL of Bangor.

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

Sec. 1. 36 MRSA §551, as amended by PL 1975, c. 252, §14, is further amended to read:

§551. Real estate; defined

Real estate, for the purposes of taxation, ~~shall--include~~ includes all lands in the State and all buildings, mobile homes and other things affixed to the same, such as, but not limited to, camp trailers, together with the water power, shore privileges and rights, forests and mineral deposits appertaining thereto; interests and improvements in land, the fee of which is in the State; interests by contract or otherwise in real estate exempt from taxation; and lines of electric light and power companies. A parcel of land that has been subdivided and offered for sale but has not yet been transferred or improved by sewer or water lines, roads or similar improvements is considered one parcel for the purposes of this chapter. Buildings, mobile homes and other things affixed to the land, on leased land or on land not owned by the owner of the buildings, ~~shall-be~~ are considered real estate for purposes of taxation and ~~shall must~~ must be taxed in the place where ~~said the~~ the land is located. Mobile homes, except stock in trade, ~~shall-be~~ are considered real estate for purposes of taxation.

Sec. 2. 36 MRSA §701-A, first ¶, as amended by PL 1985, c. 764, §13, is further amended to read:

In the assessment of property, assessors in determining just value ~~are--to~~ shall define this term in a manner ~~which that~~ that recognizes only that value arising from presently possible land use alternatives to which the particular parcel of land being valued may be put. In determining just value, assessors ~~must~~ shall consider all relevant factors, including, without limitation, the effect upon value of any enforceable restrictions to which the use of the land may be subjected, current use, physical depreciation, functional obsolescence, and economic obsolescence. Restrictions ~~shall~~ include but are not limited to zoning restrictions limiting the use of land, subdivision restrictions and any recorded contractual provisions limiting the use of lands. The just value of land is deemed to arise from and is attributable to legally permissible use or uses only. The just value of a parcel of land that has been subdivided and offered for sale but has not yet been transferred or improved by sewer or water lines, roads or similar improvements is the value of the undivided parcel of land.

STATEMENT OF FACT

2

4 This bill provides that a parcel of unimproved land that has
been subdivided and offered for sale but has not yet been sold is
considered one parcel for the purposes of the property tax.