

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)



121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1674

H.P. 1250

House of Representatives, December 19, 2003

An Act To Expand Property Tax Exemptions for Veterans to Cooperative Housing

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 16, 2003. Referred to the Committee on Taxation pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative LESSARD of Topsham.
Cosponsored by Senator MAYO of Sagadahoc and
Representatives: BLANCHETTE of Bangor, CARR of Lincoln, CRAVEN of Lewiston,
DAVIS of Falmouth, EARLE of Damariscotta, HATCH of Skowhegan, USHER of
Westbrook, Senator: HATCH of Somerset.

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

2
3 **Sec. 1. 36 MRSA §653, sub-§1, ¶C**, as amended by PL 1999, c.
4 462, §2, is further amended to read:

6 C. The estates up to the just value of \$5,000, having a
7 taxable situs in the place of residence, of veterans who
8 served in the Armed Forces of the United States:

10 (1) During any federally recognized war period,
11 including the Korean Campaign, the Vietnam War and the
12 Persian Gulf War, when they have reached ~~the age of~~ 62
13 years of age or when they are receiving any form of
14 pension or compensation from the United States
15 Government for total disability, service-connected or
16 nonservice-connected, as a veteran. A veteran of the
17 Vietnam War must have served on active duty for a
18 period of more than 180 days, any part of which
19 occurred after February 27, 1961 and before May 8, 1975
20 in the case of a veteran who served in the Republic of
21 Vietnam and after August 4, 1964 and before May 7, 1975
22 in all other cases, unless the veteran died in service
23 or was discharged for a service-connected disability
24 after that date. "Vietnam War" means the period
25 between August 5, 1964 and May 7, 1975 and the period
26 beginning on February 28, 1961 and ending on May 7,
27 1975 in the case of a veteran who served in the
28 Republic of Vietnam during that period. "Persian Gulf
29 War" means service on active duty on or after August 7,
30 1990 and before or on the date that the United States
31 Government recognizes as the end of that war period; or

32 (2) Who are disabled by injury or disease incurred or
33 aggravated during active military service in the line
34 of duty and are receiving any form of pension or
35 compensation from the United States Government for
36 total, service-connected disability.

38 The exemptions provided in this paragraph apply to the
39 property of that veteran, including property held in joint
40 tenancy with that veteran's spouse or held in a revocable
41 living trust for the benefit of that veteran. The
42 exemptions provided in this paragraph also apply to the
43 ownership interest of that veteran in a cooperative housing
44 entity.

46 **Sec. 2. 36 MRSA §653, sub-§1, ¶¶C-1 and D**, as amended by PL
47 1995, c. 368, Pt. CCC, §2 and affected by §11, are further
48 amended to read:

2 C-1. The estates up to the just value of \$7,000, having a
3 taxable situs in the place of residence of veterans who
4 served in the Armed Forces of the United States during any
5 federally recognized war period during or before World War I
6 and who would be eligible for an exemption under paragraph C.

7 The exemption provided in this paragraph is in lieu of any
8 exemption under paragraph C to which the veteran may be
9 eligible and applies to the property of that veteran,
10 including property held in joint tenancy with that veteran's
11 spouse or held in a revocable living trust for the benefit
12 of that veteran. The exemption provided in this paragraph
13 also applies to the ownership interest of that veteran in a
14 cooperative housing entity.

15 D. The estates up to the just value of \$5,000, having a
16 taxable situs in the place of residence, of the unremarried
17 widow or minor child of any veteran who would be entitled to
18 the exemption if living, or who is in receipt of a pension
19 or compensation from the Federal Government as the widow or
20 minor child of a veteran.

21 The estates up to the just value of \$5,000, having a taxable
22 situs in the place of residence, of the mother of a deceased
23 veteran who is 62 years of age or older and is an
24 unremarried widow who is in receipt of a pension or
25 compensation from the Federal Government based upon the
26 service-connected death of her child.

27 The exemptions provided in this paragraph apply to the
28 property of an unremarried widow, minor child or mother of a
29 deceased veteran, including property held in a revocable
30 living trust for the benefit of that unremarried widow,
31 minor child or mother of a deceased veteran. The exemptions
32 provided in this paragraph also apply to the ownership
33 interest of an unremarried widow, minor child or mother of a
34 deceased veteran in a cooperative housing entity.

35 **Sec. 3. 36 MRSA §653, sub-§1, ¶D-1**, as amended by PL 2001, c.
36 396, §13, is further amended to read:

37 D-1. The estates up to the just value of \$47,500, having a
38 taxable situs in the place of residence, for specially
39 adapted housing units, of veterans who served in the Armed
40 Forces of the United States during any federally recognized
41 war period, including the Korean Campaign, the Vietnam War
42 and the Persian Gulf War, and who are paraplegic veterans
43 within the meaning of 38 United States Code, Chapter 21,
44 Section 2101, and who received a grant from the United
45 States Government for any such housing, or of the

2 unremarried widows of such veterans. A veteran of the
Vietnam War must have served on active duty for a period of
4 more than 180 days, any part of which occurred after
February 27, 1961 and before May 8, 1975 in the case of a
6 veteran who served in the Republic of Vietnam during that
period and after August 4, 1964 and before May 7, 1975 in
8 all other cases, unless the veteran died in service or was
discharged for a service-connected disability after that
10 date. "Vietnam War" means the period between August 5, 1964
and May 7, 1975 and the period beginning on February 28,
12 1961 and ending on May 7, 1978 in the case of a veteran who
served in the Republic of Vietnam during that period.
14 "Persian Gulf War" means service on active duty on or after
August 7, 1990 and before or on the date that the United
States Government recognizes as the end of that war period.
16 The exemption provided in this paragraph applies to the
property of the veteran including property held in joint
18 tenancy with a spouse or held in a revocable living trust
for the benefit of that veteran. The exemption provided in
20 this paragraph also applies to the ownership interest of the
veteran in a cooperative housing entity.

22 **Sec. 4. 36 MRSA §653, sub-§1, ¶¶D-2 and D-3,** as amended by PL
24 1995, c. 368, Pt. CCC, §4 and affected by §11, are further
amended to read:

26 D-2. The estates up to the just value of \$7,000, having a
28 taxable situs in the place of residence of the unremarried
widow or minor child of any veteran who would be entitled to
30 an exemption under paragraph C-1, if living, or who is in
receipt of a pension or compensation from the Federal
32 Government as the widow or minor child of a veteran, and who
is the unremarried widow or minor child of a veteran who
34 served during any federally recognized war period during or
before World War I.

36 The exemption provided in this paragraph is in lieu of any
38 exemption under paragraph D to which the person may be
eligible and applies to the property of that person,
40 including property held in a revocable living trust for the
benefit of that person. The exemption provided in this
42 paragraph also applies to the ownership interest of that
person in a cooperative housing entity.

44 D-3. The estates up to the just value of \$7,000, having a
46 taxable situs in the place of residence of the mother of a
deceased veteran who is 62 years of age or older and is an
48 unremarried widow who is in receipt of a pension or
compensation from the Federal Government based upon the
50 service-connected death of her child and who is receiving

2 the pension or compensation from the Federal Government
based upon the service-connected death of her child during
4 any federally recognized war period during or before World
War I.

6 The exemption provided in this paragraph is in lieu of any
exemption under paragraph D to which the person may be
8 eligible and applies to the property of that person,
including property held in a revocable living trust for the
10 benefit of that person. The exemption provided in this
paragraph also applies to the ownership interest of that
12 person in a cooperative housing entity.

14 SUMMARY

16 This bill applies the property tax exemption for veterans to
18 veterans or certain members of their family who have an ownership
interest in a cooperative housing entity.