

# 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)



# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

---

**Legislative Document**

**No. 358**

H.P. 271

House of Representatives, January 25, 2005

### **An Act To Limit Property Tax Abatement for Reasons of Poverty or Infirmary to Applicants' Residential Property**

---

Reference to the Committee on Taxation suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative FLETCHER of Winslow.  
Cosponsored by Representatives: CARR of Lincoln, CLARK of Millinocket, JOY of Crystal,  
Senator: DAVIS of Piscataquis.

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

**Sec. 1. 36 MRSA §841, sub-§2,** as repealed and replaced by PL 1987, c. 772, §15, is amended to read:

**2. Infirmity or poverty.** The municipal officers or the State Tax Assessor for the unorganized territory, within 3 years from commitment, may, on their own knowledge or on written application therefor, make such abatements as they believe reasonable on the real and personal taxes on ~~all persons~~ the primary residence of any person who, by reason of infirmity or poverty, ~~are~~ is in their judgment unable to contribute to the public charges. The municipal officers or the State Tax Assessor for the unorganized territory may extend the 3-year period within which they may make abatements under this subsection.

Municipal officers or the State Tax Assessor for the unorganized territory shall:

A. Provide that any person indicating an inability to pay all or part of taxes that have been assessed because of poverty or infirmity ~~shall~~ be informed of the right to make application under this subsection;

B. Assist individuals in making application for abatement;

C. Make available application forms for requesting an abatement based on poverty or infirmity and provide that those forms contain notice that a written decision ~~shall~~ will be made within 30 days of the date of application;

D. Provide that persons are given the opportunity to apply for an abatement during normal business hours;

E. Provide that all applications, information submitted in support of the application, files and communications relating to an application for abatement and the determination on the application for abatement ~~shall be~~ are confidential. Hearings and proceedings held pursuant to this subsection ~~shall~~ must be in executive session;

F. Provide to any person applying for abatement under this subsection, notice in writing of their decision within 30 days of application; and

G. Provide that any decision made under this subsection ~~shall~~ include the specific reason or reasons for the decision and ~~shall~~ inform the applicant of the right to appeal and the procedure for requesting an appeal.

**Sec. 2. 36 MRSA §943-A**, as enacted by PL 1985, c. 364, §2, is amended to read:

**§943-A. Application for abatement**

Beginning with taxes that are assessed after April 1, 1985 2005, each notice under ~~section~~ sections 942 and 1281 ~~which that~~ is sent by a municipality or the State Tax Assessor to a person ~~against-whom~~ on whose primary residence taxes have been assessed, shall must contain a statement that that person may apply for an abatement of those taxes if the person cannot pay the taxes that have been assessed because of poverty or infirmity.

## SUMMARY

In a case decided in 2004, Hustus v. Town of Medway, 2004 ME 41, Maine's Supreme Judicial Court held that there was no limitation in state law governing eligibility for a property tax abatement for poverty or infirmity that prevents the issuance of a poverty-based property tax abatement to the owner of commercial property. This bill creates that limitation by establishing that a person may be found eligible for a so-called "poverty abatement" only with respect to that person's primary residential property.