

# MAINE STATE LEGISLATURE

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my  
ROPS

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Date:

6/2/11

L.D. 1081

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(Filing No. H-476)

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## TAXATION

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Reproduced and distributed under the direction of the Clerk of the House.

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## STATE OF MAINE

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## HOUSE OF REPRESENTATIVES

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## 125TH LEGISLATURE

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## FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 816, L.D. 1081, Bill, "An Act To Provide a Property Tax Exemption for Family Burying Grounds"

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Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

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**Sec. 1. 36 MRSA §656, sub-§1, ¶K** is enacted to read:

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K. Family burying grounds. For the purposes of this section, "family burying grounds" means an area appropriated as a family burying ground in accordance with Title 13, section 1142 that is not located within shoreland areas as described in Title 38, section 435 and where human remains are known to be buried.

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**Sec. 2. Application.** This Act applies to property tax years beginning on or after April 1, 2012.'

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## SUMMARY

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This amendment replaces the bill. It limits the bill's proposed property tax exemption for family burying grounds of 1/4 acres or less to include only those where human remains are known to be buried and that are not located within shoreland areas. The amendment also changes the application date from April 1, 2011 to April 1, 2012.

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**FISCAL NOTE REQUIRED**  
(See attached)



# 125th MAINE LEGISLATURE

LD 1081

LR 1012(02)

## An Act To Provide a Property Tax Exemption for Family Burying Grounds

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Taxation

Fiscal Note Required: Yes

### Fiscal Note

#### State Mandate - Unfunded

	FY 2011-12	FY 2012-13	Projections FY 2013-14	Projections FY 2014-15
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$0	(\$8,920)	(\$8,920)
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$0	(\$8,920)	(\$8,920)

#### State Mandates

##### Required Activity

Municipalities are required to administer a new property tax exemption for family burying grounds of 0.25 acres or less for property tax years beginning on or after April 1, 2012 when human remains are known to be buried there and when the burying grounds are not located within shoreland areas. Municipal activities include review and determination of eligible properties and recordkeeping and administrative duties.

##### Unit Affected

Municipality

##### Local Cost

Insignificant statewide

The required local activities in this bill may represent a State mandate pursuant to the Constitution of Maine. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement, municipalities may not be required to implement these changes.

#### Fiscal Detail and Notes

The state is required to reimburse municipalities for 50% of the property tax revenue lost to municipalities for property tax exemptions. Maine Revenue Services will require an annual General Fund appropriation of \$8,920 beginning in fiscal year 2013-14 for the estimated amount of reimbursement requested by municipalities for exemption of family burying grounds for tax years beginning on or after April 1, 2012. This fiscal note assumes that municipalities will actually seek reimbursement for 30% of the amount eligible for reimbursement.

Reimbursement for lost property tax revenue does not address the mandated activities.