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Date: (Filing No. H- )

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**STATE OF MAINE**  
**HOUSE OF REPRESENTATIVES**  
**128TH LEGISLATURE**  
**SECOND SPECIAL SESSION**

HOUSE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to H.P. 1124, L.D. 1629, Bill, “An Act To Protect the Elderly from Tax Lien Foreclosures”

Amend the amendment by striking out all of section 1 and inserting the following:

**'Sec. 1. 36 MRSA §942**, as amended by PL 2009, c. 489, §§2 and 3, is further amended by inserting after the 2nd paragraph a new paragraph to read:

For property that constitutes a homestead for which a property tax exemption is claimed under subchapter 4-B, the tax collector shall include with the written notice authorized under this section written notice to the person named on the tax lien mortgage that that person may be eligible to file an application for tax abatement under section 841, subsection 2, indicating that the municipality, upon request, will assist the person in requesting an abatement and provide information regarding the procedures for making such a request. The notice must also indicate that the person may seek assistance from the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection regarding options for finding an advisor who can help the person work with the municipality to avoid tax lien foreclosure and provide information regarding ways to contact the bureau. The Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection, by July 15th annually, shall provide to a statewide organization representing municipalities information regarding assistance in avoiding tax lien foreclosure to assist municipalities in providing the information required in the notice.'

Amend the amendment in section 2 in §943-C in subsection 1 in paragraph B in subparagraph (1) in the 2nd line (page 2, line 12 in amendment) by inserting after the following: "\$40,000" the following: ', after medical expenses have been deducted.'

Amend the amendment in section 2 in §943-C in subsection 3 in paragraph B in the 2nd line (page 2, line 41 in amendment) by striking out the following: "6 months" and inserting the following: '90 days'

Amend the amendment in section 2 in §943-C in subsection 4 in the last line (page 3, line 11 in amendment) by striking out the following: "treat the property in the same manner as other property acquired through foreclosure" and inserting the following: 'contract with a licensed auctioneer to conduct a real estate auction on a date and at a location set by the municipality'

1 Amend the amendment by striking out all of sections 3 and 4 and inserting the  
2 following:

3 **'Sec. 3. 36 MRS §1281**, as amended by PL 1991, c. 846, §12, is further amended  
4 to read:

5 **§1281. Payment of taxes; delinquent taxes; publication; certificate filed in registry**

6 Taxes on real estate mentioned in section 1602, including supplementary taxes  
7 assessed under section 1331, are delinquent on the 15th day of January next following the  
8 date of assessment. Annually, on or before February 1st, the State Tax Assessor shall  
9 send by mail to the last known address of each owner of such real estate upon which  
10 taxes remain unpaid a notice in writing, containing a description of the real estate  
11 assessed and the amount of unpaid taxes and interest, and alleging that a lien is claimed  
12 on that real estate for payment of those taxes, interests and costs, with a demand that  
13 payment be made by the next February 21st. For property that constitutes a homestead  
14 for which a property tax exemption is claimed under chapter 105, subchapter 4-B, the  
15 State Tax Assessor shall include in the written notice written notice to the owner named  
16 on the tax lien mortgage that that owner may be eligible to file an application for tax  
17 abatement under section 841, subsection 2, indicating that the State Tax Assessor, upon  
18 request, will assist the owner in requesting an abatement and provide information  
19 regarding the procedures for making such a request. The notice must also indicate that  
20 the owner may seek assistance from the Department of Professional and Financial  
21 Regulation, Bureau of Consumer Credit Protection regarding options for finding an  
22 advisor who can help the owner work with the State Tax Assessor to avoid tax lien  
23 foreclosure and provide information regarding ways to contact the bureau. The  
24 Department of Professional and Financial Regulation, Bureau of Consumer Credit  
25 Protection, by July 15th annually, shall provide to a statewide organization representing  
26 municipalities and to the State Tax Assessor information regarding assistance in avoiding  
27 tax lien foreclosure to assist municipalities and the State Tax Assessor in providing the  
28 information required in the notice. If the owners of any such real estate are unknown,  
29 instead of sending the notices by mail, the assessor shall cause the information required in  
30 this section on that real estate to be advertised in the state paper and in a newspaper, if  
31 any, of general circulation in the county in which the real estate lies. Such a statement or  
32 advertisement is sufficient legal notice of delinquent taxes. If those taxes and interest to  
33 date of payment and costs are not paid by February 21st, the State Tax Assessor shall  
34 record by March 15th, in the registry of deeds of the county or registry district where the  
35 real estate lies, a certificate signed by the assessor, setting forth the name or names of the  
36 owners according to the last state valuation, or the valuation established in accordance  
37 with section 1331; the description of the real estate assessed as contained in the last state  
38 valuation, or the valuation established in accordance with section 1331; the amount of  
39 unpaid taxes and interest; the amount of costs; and a statement that demand for payment  
40 of those taxes has been made, and that those taxes, interest and costs remain unpaid. The  
41 costs charged by the register of deeds for the filing may not exceed the fees established  
42 by Title 33, section 751.

43 **Sec. 4. Appropriations and allocations.** The following appropriations and  
44 allocations are made.

45 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

1 **Revenue Services, Bureau of 0002**

2 Initiative: Provides funding to reimburse municipalities for 90% of the cost of selling  
3 property that has been acquired through tax lien foreclosure.

4	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
5	All Other	\$0	\$600
6			
7	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$600</u>
8			

9 **SUMMARY**

10 This amendment changes the timing of the notice required in Committee Amendment  
11 "A" regarding a property owner's right to apply for an abatement and the availability of  
12 assistance so that the notice need not be issued separately and instead must be included  
13 with other notice to that property owner. It specifies that the income conditions  
14 established in Committee Amendment "A" apply after medical expenses have been  
15 deducted. In addition, it authorizes the municipality to contract with a licensed  
16 auctioneer to conduct a real estate auction if the property doesn't sell within 6 months  
17 after listing. Finally, under the process established in Committee Amendment "A," a  
18 municipality must sell property for fair market value or the price at which an independent  
19 broker thinks the property would sell within 6 months; this amendment reduces that  
20 length of time from 6 months to 90 days.

21 **FISCAL NOTE REQUIRED**  
22 **(See attached)**

23 SPONSORED BY: \_\_\_\_\_  
24 (Representative ESPLING)  
25 TOWN: New Gloucester