1	L.D. 136		
2	Date: (Filing No. H-)		
3	TAXATION		
4	Reproduced and distributed under the direction of the Clerk of the House.		
5	STATE OF MAINE		
6	HOUSE OF REPRESENTATIVES		
7	126TH LEGISLATURE		
8	FIRST REGULAR SESSION		
9 10 11	COMMITTEE AMENDMENT "" to H.P. 111, L.D. 136, Bill, "An Act To Connect Benefits Provided under the Circuitbreaker Program with the Payment of Property Taxes"		
12 13	Amend the bill by striking out everything after the title and before the summary and inserting the following:		
14 15 16 17 18	' Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.		
19 20	Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and		
21 22	Whereas, this legislation requires beneficiaries of the Circuitbreaker Program to pay the property taxes for the property connected to the benefit they receive; and		
23 24	Whereas, the next application period for the Circuitbreaker Program begins August 1, 2013; and		
25 26	Whereas, Maine Revenue Services needs no less than 90 days before the application period begins in order to implement the program; and		
27 28 29 30	Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,		
31	Be it enacted by the People of the State of Maine as follows:		
32	Sec. 1. 36 MRSA §191, sub-§2, ¶XX is enacted to read:		
33 34	XX. The disclosure of information to an authorized representative of a municipality necessary for the administration of section 6211-A. This paragraph does not		

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- 1 <u>authorize the disclosure of a claimant's income. A municipality receiving</u> 2 <u>information under this paragraph, either from the bureau or the claimant, shall keep</u> 3 the information confidential.
- 4 Sec. 2. 36 MRSA §906, as enacted by PL 1985, c. 653, is amended to read:
- 5 §906. Application of payments to unpaid taxes

The municipal officers of a municipality may, upon request of the municipal treasurer 6 7 or the tax collector, require that any tax payment received from an individual as payment 8 for any property tax be applied against outstanding or delinquent taxes due on that 9 property in chronological order beginning with the oldest unpaid tax bill, except that payments received pursuant to section 6211-A must be applied only to the unpaid taxes 10 for the year for which relief is requested under chapter 907 unless the taxpayer requests 11 12 that the payment be applied to an older unpaid tax bill. Taxes may not be applied to a period for which an abatement request or appeal has not been resolved unless approved in 13 14 writing by the taxpayer.

15 Sec. 3. 36 MRSA §6211-A is enacted to read:

16 §6211-A. Payment of benefit when property taxes unpaid

17 1. Determination of unpaid property taxes; payment. If the assessor, either due to information provided on the application or by other means, determines that the 18 property taxes accrued on the homestead for the year for which relief is requested by the 19 20 claimant have not been paid at the time of application, the assessor shall issue the benefit 21 jointly in the name of the claimant and the name of the municipality to which the property taxes accrued are owed or, if the homestead property is located in the unorganized 22 territory, jointly to the claimant and the Unorganized Territory Education and Services 23 24 Fund established in section 1605, subsection 1.

25 2. Endorsement process. A claimant that receives a benefit payment pursuant to subsection 1 shall endorse the benefit to the Unorganized Territory Education and 26 Services Fund established in section 1605, subsection 1 or the municipality named on the 27 28 benefit payment. Upon receipt of the endorsed benefit payment, the Unorganized Territory Education and Services Fund or the municipality named on the benefit payment 29 shall apply the benefit payment to the claimant's unpaid property tax bill in accordance 30 31 with section 906 and, within a reasonable time period, issue a check for the remainder of 32 the benefit to the claimant, unless the claimant expressly approves in writing that an 33 additional amount may be withheld from the benefit payment.

- 34 Sec. 4. 36 MRSA §6218, as enacted by PL 1989, c. 534, Pt. A, §10, is amended 35 by adding at the end a new paragraph to read:
- The application form must be designed to provide information to the assessor as to
 whether the property taxes accrued on the homestead for the year for which relief is
 requested have been paid in full at the time of application.
- 39 Sec. 5. Application. This Act applies to applications for benefits under the Maine
 40 Revised Statutes, Title 36, chapter 907 filed on or after August 1, 2013.

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1 Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

3 ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

4 Revenue Services - Bureau of 0002

5 Initiative: Provides an ongoing General Fund appropriation to the Bureau of Revenue 6 Services for one Tax Examiner position and related expenses, including computer 7 programming, printing and postage.

8	GENERAL FUND	2013-14	2014-15
9	Personal Services	\$60,820	\$64,655
10	All Other	\$17,913	\$9,364
11			
12	GENERAL FUND TOTAL	\$78,733	\$74,019

Emergency clause. In view of the emergency cited in the preamble, this
 legislation takes effect when approved.'

15

SUMMARY

16 This amendment adds a mandate preamble and an emergency preamble and 17 emergency clause to the bill. It includes provisions with respect to the Circuitbreaker 18 Program to address the confidentiality of claimant information at the municipal level, 19 homestead property located in the unorganized territory and the application of program 20 benefits to unpaid taxes. It clarifies the method for processing a joint benefit payment. It 21 provides that the bill applies to applications for the Circuitbreaker Program filed on or 22 after August 1, 2013 and adds an appropriations and allocations section.

23 The amendment, like the bill, requires the application form for the Circuitbreaker 24 Program to include a method of determining whether the property taxes being claimed have been paid at the time of application. The amendment provides that, if the State Tax 25 Assessor determines that the property taxes have not been paid, the benefit must be issued 26 27 jointly to the claimant and the municipality or, if the homestead property is located in the unorganized territory, to the claimant and the Unorganized Territory Education and 28 29 Services Fund. The claimant is required to endorse the check to the municipality or the 30 Unorganized Territory Education and Services Fund, which is required to apply the benefit to the claimant's property taxes accrued and unpaid on the homestead for the year 31 32 for which relief is requested, unless the claimant requests that the payment be applied to 33 an older unpaid tax bill. The municipality or the Unorganized Territory Education and Services Fund must pay any remaining benefit to the claimant, unless the claimant in 34 writing permits the municipality or the Unorganized Territory Education and Services 35 Fund to retain an additional amount of the benefit. 36

 37
 FISCAL NOTE REQUIRED

 38
 (See attached)

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