

FEDERAL EXPENDITURES FUND - ARP STATE FISCAL RECOVERY	\$21,078,002	\$37,095,400
DEPARTMENT TOTAL - ALL FUNDS	\$21,078,002	\$37,095,400

PART Y

Sec. Y-1. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF
American Rescue Plan Audit, Controller and Program Management N397**

Initiative: Provides one-time allocations necessary to support all aspects of financial management oversight of funds from the State Fiscal Recovery Fund established in the federal American Rescue Plan Act of 2021, including state discretionary and direct funds as well as the local pass-through funds authorized in the federal American Rescue Plan Act of 2021.

FEDERAL EXPENDITURES FUND - ARP STATE FISCAL RECOVERY	2021-22	2022-23
All Other	\$9,228,561	\$12,766,569
FEDERAL EXPENDITURES FUND - ARP STATE FISCAL RECOVERY TOTAL	\$9,228,561	\$12,766,569

PART Z

Sec. Z-1. Adjustments to allocations. Notwithstanding the Maine Revised Statutes, Title 37-B, section 746 or any other provision of law to the contrary, funds allocated to departments, agencies and programs in this Act may be adjusted in fiscal year 2021-22 either within the same department or agency receiving the original allocation or, if for the same purpose as the original allocation, between departments or agencies on recommendation of the State Budget Officer and approval of the Governor. The Commissioner of Administrative and Financial Services shall report any adjustments to allocations made pursuant to this section to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs at least quarterly.

PART AA

Sec. AA-1. 36 MRSA §5219-KK, sub-§1, ¶A-1, as enacted by PL 2017, c. 474, Pt. B, §13, is amended to read:

A-1. For tax years beginning on or after January 1, 2018, "benefit base" means property taxes paid by a resident individual during the tax year on the resident individual's homestead in this State or rent constituting property taxes paid by the resident individual or the bureau pursuant to chapter 908 on behalf of a resident individual during the tax year on a homestead in the State not exceeding the following amounts:

- (1) For persons filing as single individuals, \$2,050;

(2) For persons filing as heads of households that can claim the federal child tax credit pursuant to the Code, Section 24 for no more than one qualifying child or dependent or for persons filing joint returns, \$2,650; and

(3) For persons filing as heads of households that can claim the federal child tax credit pursuant to the Code, Section 24 for more than one qualifying child or dependent or for persons filing joint returns that can claim the federal child tax credit pursuant to the Code, Section 24 for at least one qualifying child or dependent, \$3,250.

Sec. AA-2. 36 MRSA §6250, sub-§2-A is enacted to read:

2-A. Disability. "Disability" means a permanent and total impairment or condition that prevents an individual from being employed as determined by an agency of this State or of the Federal Government or pursuant to routine technical rules adopted by the State Tax Assessor.

Sec. AA-3. 36 MRSA §6250, sub-§3, as enacted by PL 1989, c. 534, Pt. C, §1, is amended to read:

3. Homestead. "Homestead" means the owner-occupied principal dwelling, ~~either real or personal property,~~ owned by the taxpayer and up to 10 contiguous acres upon which it is located. If the homestead is located in a multi-unit building, the homestead is the portion of the building actually used as the principal dwelling and its percentage of the value of the common elements and of the value of the tax lot upon which it is built. The percentage is the value of the unit consisting of the homestead compared to the total value of the building exclusive of the common elements, if any. "Homestead" includes the taxpayer-occupied principal dwelling and up to 10 contiguous acres upon which it is located that is held in a revocable living trust for the benefit of the taxpayer.

Sec. AA-4. 36 MRSA §6250, sub-§3-A is enacted to read:

3-A. Liquid asset. "Liquid asset" means something of value available to an individual that can be converted to cash in 3 months or less and includes:

- A. Bank accounts;
- B. Certificates of deposit;
- C. Money market and mutual funds;
- D. Life insurance policies;
- E. Stocks and bonds; and
- F. Lump-sum payments and inheritances.

Sec. AA-5. 36 MRSA §6250, sub-§3-B is enacted to read:

3-B. Municipality. "Municipality" means a city, town, plantation or the unorganized territory.

Sec. AA-6. 36 MRSA §6251, as amended by PL 1993, c. 395, §31, is further amended to read:

§6251. Deferral of tax on homestead; joint election; age requirement; filing claim

1. Filing claim. Subject to section 6252, ~~an individual or 2 or more individuals jointly a taxpayer may elect~~ apply to defer the property taxes on ~~their~~ the taxpayer's homestead by

filing a claim for deferral with the municipal assessor after January 1st but no later than April 1st of the first year in which deferral is claimed if:

A. ~~The individual or each individual, in the case of 2 or more individuals~~ taxpayer filing a claim jointly, is 65 years of age or older or is unable to be employed by reason of disability on April 1st of the year in which the claim is filed; ~~and~~

B. ~~The individual or, in the case of 2 or more individuals filing a claim jointly, all the individuals together have household~~ taxpayer has income, as defined in section ~~6201-5219-KK~~, subsection ~~7 1~~, paragraph D, of less than ~~\$32,000~~ \$40,000 for the calendar year immediately preceding the calendar year in which the claim is filed;

C. The taxpayer, if an individual, has liquid assets of less than \$50,000 or, in the case of 2 or more individuals filing a claim jointly, all the individuals together have liquid assets of less than \$75,000; and

D. The taxpayer's homestead receives a homestead exemption under chapter 105, subchapter 4-B.

The municipal assessor shall forward each claim filed under this subsection to the bureau within 30 days of receipt and the bureau shall determine if the property is eligible for deferral. Claims must be filed on a form approved by the State Tax Assessor and must include all information requested by the State Tax Assessor, including without limitation the taxpayer's and the taxpayer's direct heirs' contact information. Income and liquid assets of all individual owners of a homestead must be included in an application for deferral.

~~Claims from new applicants may not be filed pursuant to this chapter prior to January 1, 1994. For purposes of this section, "new applicants" means any person or persons that have not filed claims prior to April 1, 1991.~~

2. Property tax deferral. ~~When the~~ If a taxpayer elects is determined to be eligible to defer property taxes for any year by filing a claim for deferral under subsection 1, it ~~shall~~ have has the effect of:

A. Deferring the payment of the property taxes levied on the homestead for the municipal fiscal year beginning on or after April 1st of that year;

B. Continuing deferral of the payment by the taxpayer of any property taxes deferred under this chapter for previous years that have not become delinquent under section 6260; and

C. Continuing the deferral of the payment by the taxpayer of any future property taxes for as long as the provisions of section 6252 are met or the taxpayer withdraws from the deferral of future property taxes under this chapter by notifying the bureau as provided in section 6258.

3. Guardian, conservator and agent compliance. If a guardian or, conservator or agent under a power of attorney or pursuant to a protective arrangement or any other lawful order has been appointed for an individual a taxpayer otherwise qualified to obtain deferral of taxes under this chapter, the guardian or, conservator or agent may act for that individual taxpayer in complying with this chapter.

4. Trustee compliance. If a trustee of an a revocable inter vivos trust which, if that trust was created by and is revocable by an individual, a taxpayer who is both the trustor and a beneficiary of the trust and who is otherwise qualified to obtain a deferral of taxes

under this chapter, owns the fee simple estate under a recorded instrument of sale, the trustee may act for the individual taxpayer in complying with this chapter.

~~5. Spouse not required to claim.~~ Nothing in this section may be construed to require a spouse of an individual to file a claim jointly with the individual even though the spouse may be eligible to claim the deferral jointly with the individual.

~~6. Appeal.~~ Any person A taxpayer aggrieved by the denial of a claim for deferral of homestead property taxes or disqualification from deferral of homestead property taxes may file an appeal of the State Tax Assessor's determination, within 30 days of notification of denial or disqualification by the State Tax Assessor, with the State Board of Property Tax Review as provided in chapter 101, subchapter H-A 2-A. When the State Tax Assessor disagrees with the municipal valuation of a property subject to deferral, the abatement and appeals process under chapter 105, subchapter 8 applies.

Sec. AA-7. 36 MRSA §6252, sub-§2, as enacted by PL 1989, c. 534, Pt. C, §1, is amended to read:

2. Fee simple estate. The person individual claiming the a deferral must, solely or together with the person's individual's spouse, own the fee simple estate or be purchasing the fee simple estate under a recorded instrument of sale, or 2 or more persons individuals must together own or be purchasing the fee simple estate with rights of survivorship under a recorded instrument of sale if all owners live in the homestead ~~and if all owners apply for the deferral jointly.~~

Sec. AA-8. 36 MRSA §6252, sub-§4 is enacted to read:

4. No duplicate deferral. The property is not receiving a deferral of taxes under chapter 908-A.

Sec. AA-9. 36 MRSA §6252, sub-§5 is enacted to read:

5. No municipal lien. The property does not have an existing municipal lien against it.

Sec. AA-10. 36 MRSA §6253, as enacted by PL 1989, c. 534, Pt. C, §1, is amended to read:

§6253. Claim forms; contents

1. Administration. A taxpayer's claim for deferral under this chapter ~~shall~~ must be in writing on a form supplied by the bureau and ~~shall~~ must:

A. Describe the homestead;

B. ~~Recite facts~~ Provide information establishing the eligibility for the deferral under the provisions of this chapter, including facts information that ~~establish~~ establishes that the household liquid assets and the income, as defined in section ~~6204~~ 5219-KK, subsection ~~7 1, paragraph D,~~ of the individual, or, in the case of 2 or more individuals ~~claiming the deferral jointly,~~ was are less than ~~\$32,000~~ the limits set by section 6251, subsection 1 for the calendar year immediately preceding the calendar year in which the claim is filed; and

C. ~~Have attached~~ Contain any ~~documentary proof~~ information required by the bureau to show that the requirements of section 6252 have been met.

2. Statement verification. ~~There shall be annexed to the~~ The claim must contain a statement verified by a written declaration of the ~~applicant~~ taxpayer making the claim ~~to the effect~~ that the statements contained in the claim are true.

Sec. AA-11. 36 MRSA §6254, sub-§1, as amended by PL 2007, c. 695, Pt. A, §45, is further amended to read:

1. Lien. The lien provided in section 552 must continue for purposes of protecting the State's deferred tax interest in tax deferred property. When it is determined that one of the events set out in section 6259 has occurred and that a property is no longer eligible for property tax deferral under this chapter, the State Tax Assessor shall send notice by certified mail to the ~~owner~~ taxpayer, or the ~~owner's~~ taxpayer's heirs or devisees, listing the total amount of deferred property taxes, including accrued interest and costs of all the years and demanding payment on or before April 30th of the year following the tax year in which the circumstances causing withdrawal from the provisions of this chapter occur.

When the circumstances listed in section 6259, subsection 4 occur, the amount of deferred taxes is due and payable 5 days before the date of removal of the property from the State.

If the deferred tax liability of a property has not been satisfied by the April 30th demand date, the State Tax Assessor shall, within 30 days, record in the registry of deeds in the county where the real estate is located a tax lien certificate signed by the State Tax Assessor or bearing the assessor's facsimile signature, setting forth the total amount of deferred tax liability, a description of the real estate on which the tax was deferred and an allegation that a tax lien is claimed on the real estate to secure payment of the tax, that a demand for payment of the tax has been made in accordance with this section and that the tax remains unpaid.

At the time of the recording of the tax lien certificate in the registry of deeds, the State Tax Assessor shall send by certified mail, return receipt requested, to each record holder of a mortgage on the real estate, to the holder's last known address, a true copy of the tax lien certificate. The cost to be paid by the ~~property owner~~ taxpayer, or the ~~owner's~~ taxpayer's heirs or devisees, is the sum of the fees for recording and discharging of the lien as established by Title 33, section 751, plus \$13. Upon redemption, the State Tax Assessor shall prepare and record a discharge of the tax lien mortgage. The lien described in section 552 is the basis of this tax lien mortgage procedure.

The filing of the tax lien certificate, provided for in this section, in the registry of deeds creates a mortgage on the real estate to the State and has priority over all other mortgages, liens, attachments and encumbrances of any nature and gives to the State all rights usually instant to a mortgage, except that the mortgagee does not have any right of possession of the real estate until the right of redemption expires.

Payments accepted during the redemption period may not interrupt or extend the redemption period or in any way affect the foreclosure procedures.

Sec. AA-12. 36 MRSA §6254, sub-§4 is enacted to read:

4. Dangerous buildings. The State Tax Assessor may request that the municipal officers, in the case of a municipality, or the county commissioners, in the case of the unorganized territory in their county, investigate any homestead subject to deferral and make determinations whether the homestead is a dangerous building pursuant to Title 17, chapter 91, subchapter 4. If eligible expenses pursuant to Title 17, section 2853 are incurred

by a municipality or the county in the case of the unorganized territory, the State Tax Assessor shall reimburse those eligible expenses from funds in the Senior Property Tax Deferral Revolving Account under section 6266.

Sec. AA-13. 36 MRSA §6255, sub-§3, as enacted by PL 1989, c. 534, Pt. C, §1, is amended to read:

3. Interest. Interest shall ~~accrue~~ accrues on the actual amount of taxes payments advanced to the municipality for the tax-deferred property ~~at the rate of 6% per annum pursuant to section 186 reduced by one percentage point.~~

Sec. AA-14. 36 MRSA §6257, as amended by PL 1991, c. 528, Pt. DD, §1 and affected by Pt. RRR and amended by c. 591, Pt. DD, §1 and c. 622, Pt. CC, §1, is further amended to read:

§6257. ~~Municipal tax collector to receive~~ Payment of amount equivalent to deferred taxes from by the State

1. Payment of deferred taxes. Within 30 days of the receipt of information from a municipal tax collector concerning the amount of deferred property taxes in the respective municipality, the State Tax Assessor shall certify that amount to the Treasurer of the State who shall make payment to the municipality on or before the 15th day of the following month. Payments made for deferred property taxes in the unorganized territory must be made to the Unorganized Territory Education and Services Fund established in section 1605.

~~**1-A. Prorated payment of deferred taxes.** The State Tax Assessor is authorized to prorate payments to municipalities for claims filed pursuant to this chapter if the amount available in the Senior Property Tax Deferral Revolving Account established in section 6266 in any fiscal year is insufficient to make full payments to all municipalities. If the applicant for deferred taxes can not pay the difference due to the municipality, the municipality that does not receive the full amount of deferred property taxes may cause a tax lien certificate to be filed in the county registry of deeds for the amount not received.~~

~~**1-B. Reimbursement to taxpayers.** The State Tax Assessor is authorized to reimburse taxpayers who qualified under this chapter and who have paid property taxes that would have otherwise been deferred but for the prorating of benefits as allowed in subsection 1-A.~~

2. Accounts maintained. The bureau shall maintain accounts for each deferred property and ~~shall accrue interest only on the actual amount of taxes advanced to the municipality.~~

Sec. AA-15. 36 MRSA §6258, sub-§1, ¶D, as enacted by PL 1989, c. 534, Pt. C, §1, is amended to read:

D. Contain any other information that the bureau considers necessary to facilitate administration of the homestead deferral program including, but not limited to, the right of the taxpayer to submit any amount of money to reduce the total amount of the deferred taxes and interest and the right of the taxpayer to withdraw from the deferral of future property taxes under this chapter by notifying the bureau by any method that the bureau may prescribe.

Sec. AA-16. 36 MRSA §6261, sub-§2, as enacted by PL 1989, c. 534, Pt. C, §1, is amended to read:

2. Continuation of deferral by spouse. A spouse who does not meet the age requirements of subsection 1, paragraph A or the disability requirement of section 6251, subsection 1, paragraph A, but is otherwise qualified to continue the property in its tax-deferred status under subsection 1 may continue the deferral of property taxes deferred for previous years by filing a claim within the time and in the manner provided under section 6251. If a spouse eligible for and continuing the deferral of taxes previously deferred under this subsection becomes 65 years of age or meets the disability requirement of section 6251, subsection 1, paragraph A prior to April 1st of any year, the spouse may elect to continue the deferral of previous years' taxes deferred under this subsection and may elect to defer the current assessment year's taxes on the homestead by filing a claim within the time and in the manner provided under section 6251. Thereafter, payment of the taxes levied on the homestead and deferred under this subsection and payment of taxes levied on the homestead in the current assessment year and in future years may be deferred in the manner provided in and subject to this chapter.

Sec. AA-17. 36 MRSA §6262, sub-§2, as enacted by PL 1989, c. 534, Pt. C, §1, is amended to read:

2. Taxes and interest. Subject to subsection 3, all or part of the deferred taxes and accrued interest may at any time be paid to the bureau by:

- A. The taxpayer or the spouse of the taxpayer; ~~or~~
- B. The next of kin of the taxpayer, heir at law of the taxpayer, child of the taxpayer or any person having or claiming a legal or equitable interest in the property; or
- C. Any other person or organization making a payment as a gift to the taxpayer.

Sec. AA-18. 36 MRSA §6262, sub-§3, as enacted by PL 1989, c. 534, Pt. C, §1, is amended to read:

3. Notice of payment. A person listed in subsection 2, paragraph B; or C may make the payments only if no objection is made by the taxpayer within 30 days after the bureau deposits in the mail notice to the taxpayer of the fact that the payment has been tendered.

Sec. AA-19. 36 MRSA §6266, as enacted by PL 1989, c. 534, Pt. C, §1, is amended to read:

§6266. Senior Property Tax Deferral Revolving Account; sources; uses

1. Revolving account. This section establishes in the State Treasury the Senior Property Tax Deferral Revolving Account, referred to in this section as "the revolving account," to be used by the bureau for the purpose of making the payments to municipal tax collectors and to the Unorganized Territory Education and Services Fund, established in section 1605, of property taxes deferred for tax years beginning on or after April 1, ~~1990~~ 2022, as required by section 6257, reimbursements, as required under section 6254, subsection 4, and repayment of transfers pursuant to subsection 5.

2. Advancement of funds. The funds necessary to make payments under subsection 1 ~~shall~~ must be advanced to the bureau from time to time as necessary by the Treasurer of State ~~as an appropriation from the General Fund~~ a transfer under subsection 4.

3. Payments credited. All sums of money received by the bureau under this chapter as repayments of deferred property taxes including the interest accrued under section 6255, subsection 3, ~~shall~~, upon receipt, must be credited to the revolving account and ~~shall~~ must be available for the purposes of subsection 1 and subsection 5.

4. Appropriation Transfer request. If there is not sufficient money in the revolving account to make the payments required by subsection 1, the State Tax Assessor shall ~~request an appropriation from the General Fund which together with the money in the revolving account will provide an amount sufficient to make the required payments~~ notify the Treasurer of State of the amount necessary to make the required payments and the Treasurer of State shall transfer that amount from the Housing Opportunities for Maine Fund, established in Title 30-A, section 4853, to the revolving account.

5. ~~General Fund reimbursement~~ Reimbursement of funds. When the bureau determines that funds in sufficient amounts are available in the revolving account, the bureau shall repay to the ~~General Fund~~ Housing Opportunities for Maine Fund, established in Title 30-A, section 4853, the amounts advanced as ~~appropriations under subsection 2,~~ plus accrued interest ~~transfers under subsection 4.~~

Sec. AA-20. 36 MRS §6267, as enacted by PL 1993, c. 707, Pt. G, §10, is repealed.

Sec. AA-21. Application. This Act applies to property taxes based on the status of property on or after April 1, 2022.

Sec. AA-22. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Elderly Tax Deferral Program 0650

Initiative: Provides funding to reimburse municipalities for deferred property taxes.

FEDERAL EXPENDITURES FUND - ARP STATE	2021-22	2022-23
FISCAL RECOVERY		
All Other	\$844,370	\$2,390,889
FEDERAL EXPENDITURES FUND - ARP STATE	\$844,370	\$2,390,889
FISCAL RECOVERY TOTAL		

Revenue Services, Bureau of 0002

Initiative: Provides funding for one limited-period Property Appraiser position, computer programming costs and other related costs to review, approve and audit applications. This position will end on or before June 30, 2023.

FEDERAL EXPENDITURES FUND - ARP STATE	2021-22	2022-23
FISCAL RECOVERY		
Personal Services	\$42,538	\$86,099
All Other	\$113,092	\$23,012
FEDERAL EXPENDITURES FUND - ARP STATE	\$155,630	\$109,111
FISCAL RECOVERY TOTAL		

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

	2021-22	2022-23
FEDERAL EXPENDITURES FUND - ARP STATE FISCAL RECOVERY	\$1,000,000	\$2,500,000
DEPARTMENT TOTAL - ALL FUNDS	\$1,000,000	\$2,500,000

PART BB

Sec. BB-1. 22 MRSA §2602-A, sub-§2, as amended by PL 1991, c. 499, §3 and affected by §26, is further amended to read:

2. Fees. ~~The~~ Except as provided in subsection 3, the department shall charge the average cost of the analysis for an examination, testing or analysis of private residential water supplies requested under this chapter. These fees must be recalculated and deposited according to section 565, subsection 3 and section 568, ~~provided except~~ that the fee charged for testing a private residential water supply may not exceed \$150 when:

A. In the opinion of the department, initial testing or screening performed at the expense of the owner indicates the need for additional testing at a cost in excess of \$150 to determine whether that water supply contains contaminants potentially hazardous to human health and that additional testing is essential to the maintenance of public health; or

B. In the opinion of the department, there is reason to suspect that a private residential water supply may be affected by contamination potentially hazardous to human health and that additional testing is essential to the maintenance of public health. In making such a determination, the department shall consider the following:

- (1) The proximity of the private residential water supply to a known or suspected source of contamination;
- (2) The proximity of the private residential water supply to another private well or water supply known to be contaminated;
- (3) Information provided in writing to the department by a physician who has seen or treated a person and who has identified contaminated drinking water as a possible cause of the person's condition or symptoms; or
- (4) Information provided by the owner or a user of the private residential water supply voluntarily or in response to questions asked by personnel of the department.

The department ~~may~~ shall waive all fees incurred in connection with the testing of a private residential water supply upon a showing of indigency.

Sec. BB-2. 22 MRSA §2602-A, sub-§3 is enacted to read:

3. Well water testing for low-income residents. The department shall establish and maintain a program through the Health and Environmental Testing Laboratory established in section 565 to provide free testing for arsenic of the private residential water supplies of