1	L.D. 1371
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	125TH LEGISLATURE
8	FIRST REGULAR SESSION
9 10	COMMITTEE AMENDMENT " to H.P. 1010, L.D. 1371, Bill, "An Act To Promote Fair and Efficient Resolutions in Tax Disputes"
11 12	Amend the bill in section 2 in subsection 1 in the 3rd line (page 1, line 19 in L.D.) by striking out the following: "30 days" and inserting the following: '60 days'
13	Amend the bill by striking out all of section 3 (page 2, lines 6 to 14 in L.D.)
14 15	Amend the bill in section 4 in §151-B by striking out all of subsections 2 and 3 (page 2, lines 19 to 26 in L.D.) and inserting the following:
16 17 18 19 20 21 22 23 24 25	'2. Composition of appeals office; Chief Appeals Officer. The appeals office consists of the Chief Appeals Officer appointed by the Commissioner of Administrative and Financial Services as described in subsection 3 and other appeals officers and at least one administrative staff person hired by the commissioner or the Chief Appeals Officer. The commissioner shall designate the Chief Appeals Officer who shall manage the work of the appeals officers, including the designation of an appeals officer to preside over each appeal forwarded to the appeals office under section 151, subsection 2, paragraph C. The Chief Appeals Officer, other appeals officers and staff of the appeals office are employees of the bureau. Each appeals officer must be a citizen of the United States and have substantial knowledge of tax law.
26 27	<b>3. Appointment; removal.</b> The following requirements apply to the appointment of the Chief Appeals Officer.
28 29 30 31 32	A. The Commissioner of Administrative and Financial Services shall submit the name of a nominee for appointment as the Chief Appeals Officer to the joint standing committee of the Legislature having jurisdiction over taxation matters, which shall hold a public hearing on the nomination and may make recommendations regarding the nominee to the commissioner.
33 34 35 36	B. The Commissioner of Administrative and Financial Services may remove the Chief Appeals Officer, after notice and opportunity to be heard, for neglect of duty, inability to perform the duties of the Chief Appeals Officer, malfeasance in office or other good cause.'

1 2 3	Amend the bill in section 4 in §151-B in subsection 6 in the in L.D.) by striking out the following: "either the taxpayer or the following: 'the taxpayer'		•
4 5 6	Amend the bill in section 4 in §151-B in subsection 6 in the lines 18 and 19 in L.D.) by striking out the following: "Eit assessor" and inserting the following: 'The taxpayer'		
7 8	Amend the bill in section 4 in §151-B by adding at the er following:	nd after sub	section 6 the
9 10 11 12	'7. Report. Beginning in 2013 and annually thereafter, the shall prepare and submit a report by January 1st on the active Appeals Office to the Governor, the assessor and the joint state Legislature having jurisdiction over taxation matters.'	ities of the	Independent
13 14	Amend the bill in section 5 in §151-C by striking out all of s 30 in L.D.) and inserting the following:	subsection 1	(page 4, line
15 16	'1. Appointment. The Commissioner of Administrative and appoint the taxpayer advocate.'	1 Financial	Services shall
17 18 19	Amend the bill in section 10 in subsection 2 in the first line (striking out the following: "State Tax Assessor" and in 'Commissioner of Administrative and Financial Services'		
20 21 22	Amend the bill in section 11 in subsection 1 in the first line by striking out the following: "assessor" and inserting the following that and Financial Services'		·
23	Amend the bill by striking out all of sections 12 and 13 and i	nserting the	following:
24 25	'Sec. 12. Appropriations and allocations. The folloallocations are made.	wing appro	priations and
26	ADMINISTRATIVE AND FINANCIAL SERVICES, DEPA	RTMENT	OF
27	Revenue Services - Bureau of 0002		
28 29 30	Initiative: Deappropriates funds by eliminating one part-time Puposition and 4 Staff Attorney positions within the appellate di Revenue Services.		•
31 32 33	GENERAL FUND POSITIONS - FTE COUNT Personal Services	<b>2011-12</b> 0.000 \$0	<b>2012-13</b> (4.600) (\$444,327)
34 35	GENERAL FUND TOTAL	\$0	(\$444,327)

**Revenue Services - Bureau of 0002** 

36

1 2 3	Initiative: Appropriates funds for one Public Service Attorney positions and one Taxpayer Advocate Staff Independent Appeals Office and to reprint the taxpayer rig	Attorney position	
4	GENERAL FUND	2011-12	2012-13
5	POSITIONS - FTE COUNT	0.000	5.000
6	Personal Services	\$0	\$528,108
7	All Other	\$2,175	\$0
8			
9	GENERAL FUND TOTAL	\$2,175	\$528,108
10 11	ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
12	DEPARTMENT TOTALS	2011-12	2012-13
13			
14	GENERAL FUND	\$2,175	\$83,781
15		. ,	. ,
16	DEPARTMENT TOTAL - ALL FUNDS	\$2,175	\$83,781
17	ATTORNEY GENERAL, DEPARTMENT OF THE		
18	Administration - Attorney General 0310		
19 20	Initiative: Provides funds for one part-time Assistant A related costs.	Attorney General	position and
21	GENERAL FUND	2011-12	2012-13
22	POSITIONS - LEGISLATIVE COUNT	0.500	0.500
23	Personal Services	\$43,031	\$60,961
24	All Other	\$5,178	\$3,178
25		<del></del>	
26	GENERAL FUND TOTAL	\$48,209	\$64,139
27 28	ATTORNEY GENERAL, DEPARTMENT OF THE		
29	DEPARTMENT TOTALS	2011-12	2012-13
30			
31	GENERAL FUND	\$48,209	\$64,139
32			
33	DEPARTMENT TOTAL - ALL FUNDS	\$48,209	\$64,139

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## **COMMITTEE AMENDMENT**

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1	SECTION TOTALS	2011-12	2012-13
2			
3	GENERAL FUND	\$50,384	\$147,920
4			
5	SECTION TOTAL - ALL FUNDS	\$50,384	\$147,920

**Sec. 13. Effective date.** This Act takes effect July 1, 2012, except that the Commissioner of Administrative and Financial Services is authorized to appoint the Chief Appeals Officer pursuant to the Maine Revised Statutes, Title 36, section 151-B and the taxpayer advocate pursuant to Title 36, section 151-C prior to July 1, 2012 as long as those appointments do not take effect until July 1, 2012.'

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Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

13 SUMMARY

This amendment changes the deadline in the bill for requesting reconsideration of a tax assessment from 30 days after the receipt of the notice of the assessment to 60 days after receipt of the notice.

The amendment removes the requirement that a taxpayer does not have a notice of action if the assessor has been presented with a valid power of attorney and fails to communicate with the designated attorney.

The amendment gives the Commissioner of Administrative and Financial Services, instead of the State Tax Assessor, the authority to appoint for 5-year terms the Chief Appeals Officer in the Independent Appeals Office within the Department of Administrative and Financial Services, Bureau of Revenue Services. The amendment requires nominations of the Chief Appeals Officer to be submitted to the joint standing committee of the Legislature having jurisdiction over taxation matters for review. The amendment authorizes the commissioner or the Chief Appeals Officer to hire appeals officers and administrative staff. It provides a process for removal of the Chief Appeals Officer.

It removes provisions that allow the assessor to file a petition for a de novo hearing or appeal. The amendment requires the Chief Appeals Officer to submit a report on the activities of the office by January 1, 2013 and annually thereafter on the activities of the Independent Appeals Office to the Governor, the assessor and the joint standing committee of the Legislature having jurisdiction over taxation matters.

The amendment requires the commissioner rather than the assessor to appoint the taxpayer advocate.

The amendment also removes the requirement that the Bureau of Revenue Services submit emergency legislation concerning the transition of cases from the old administrative appeals process to the new process.

## COMMITTEE AMENDMENT " to H.P. 1010, L.D. 1371

	The amendment adds an appropriations and allocations section
2	FISCAL NOTE REQUIRED
3	(See attached)

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