



# MAINE REVENUE SERVICES

## PROPERTY TAX DIVISION

### PROPERTY TAX BULLETIN NO. 2

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#### TRUE AND PERFECT LISTS

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REFERENCE: 36 M.R.S. § 706-A

February 14, 2019; replaces February 28, 2017, revision

1. General. Maine law allows an assessor to request a list of property possessed by a taxpayer as of April 1 of the taxable year, called a “true and perfect list,” and to request additional information about property that may be taxable to the owner and property that may be eligible for a tax exemption under the Business Equipment Tax Exemption (BETE) program, called “supplementary schedules.” See 36 M.R.S. § 706-A(1). This bulletin explains the process for requesting and responding to a request for a true and perfect list or supplementary schedules. Attached to this bulletin are sample forms for the true and perfect list as well as supplementary schedules for obtaining additional information regarding commercial, industrial, and other properties.
2. Definitions. The following definitions apply to this bulletin.
  - A. Assessor. “Assessor,” as defined in 36 M.R.S. § 111(1), means the State Tax Assessor with respect to the unorganized territory, and the respective municipal assessors or chief assessors of primary assessing areas with respect to the organized areas.
  - B. Standard pricing schedule. “Standard pricing schedule” means a set of cost schedules used to value property.
  - C. Supplementary schedule. “Supplementary schedule” means written information about the nature, situation, and value of a taxpayer’s property liable to be taxed in Maine or subject to exemption under the BETE program.
  - D. True and perfect list. “True and perfect list” means a list of all property a taxpayer possesses on April 1 of the calendar year in which the request is made.
3. True and Perfect List. An assessor may request a true and perfect list or a supplementary schedule from a taxpayer at any time before assessment. A request for a true and perfect list and a request for supplementary schedule may be made together or separately. If an assessor does not send a request before assessment, but a taxpayer requests an abatement of value, the assessor may request a true and perfect list or supplementary schedule from the taxpayer at that time. An assessor may require a taxpayer to make a notarized oath attesting to the truthfulness of a true and perfect list or a supplementary schedule.

If not included with the initial request for a true and perfect list, supplementary schedules may be sought by an assessor after reviewing the true and perfect list. In many cases, an assessor can obtain the

necessary additional information through standard pricing schedules covering commercial, industrial, and other properties. When a standard pricing schedule is not adequate, an assessor may seek additional information through a subsequent request to the taxpayer. The request for additional information should be accompanied by a supplementary schedule for the taxpayer to sign and complete. The supplementary schedule should include questions designed to obtain information from the taxpayer necessary to establish property value.

Assessors should request completed supplementary schedules only for personal property. Except in unusual cases, an assessor should resolve questions regarding real estate by inspection of the property. Where an assessor cannot obtain necessary information from inspection (for example, in cases where income from the property may be material), the assessor may confer with the taxpayer to obtain written answers to pertinent questions.

Proprietary information provided by the taxpayer is confidential and is not a public record for purposes of the freedom of access statute, Title 1, chapter 13. To be considered proprietary, information must be either (a) a trade secret, (b) production, commercial, or financial information, the disclosure of which would impair the competitive position of the taxpayer and would make available information not otherwise publicly available, or (c) information protected from disclosure by federal or state law, rules, or regulations. To be protected, the information, when first submitted, must be physically labeled as “proprietary and confidential” by the taxpayer. Taxpayers should clearly label prior to providing the information to an assessor. Failure to properly label proprietary information will result in the information in question being treated as nonconfidential. See 36 M.R.S. § 706-A(1).

A request for a true and perfect list and/or supplementary schedules may be made by regular mail directed to the last known address of the taxpayer. However, because proof that a notice was delivered may be important, using certified or registered mail is strongly encouraged to show evidence of receipt. Assessors may also use any other method that provides reasonable notice to the taxpayer of the request.

4. Taxpayer Response. A taxpayer who has been asked to submit a true and perfect list and/or a supplementary schedule has 30 days from the date of receipt to respond to the request. On written request, a taxpayer is entitled to a 30-day extension to provide the true and perfect list or supplementary schedules. An assessor may grant additional extensions if the taxpayer requests such extensions in writing.

If an assessor has mailed a request to a taxpayer, the refusal or neglect to provide a true and perfect list or supplementary schedule bars the taxpayer from requesting an abatement from the assessor or appealing an application for abatement, unless one of the following conditions are met:

- a. If a taxpayer submits the requested true and perfect list and/or supplementary schedules with an abatement request and satisfactorily explains to the assessor why the taxpayer was unable to furnish the information by the requested date, the assessor may consider the abatement request.
- b. If a taxpayer submits the requested true and perfect list and/or supplementary schedules with the primary appeal of an application for abatement and satisfactorily explains to the entity hearing the appeal why the taxpayer was unable to furnish the information by the requested date, the entity may consider the appeal.

Misunderstanding a request or inconvenience of filing are not satisfactory explanations for failing to respond to a request. If the taxpayer fails to provide the requested true and perfect list and/or supplementary schedules to the entity of first appeal, the taxpayer is barred from further appeal.

However, if an assessor failed to mail the request for a true and perfect list and/or supplementary schedules, the taxpayer is not barred from requesting abatement or appealing an application for abatement as long as the taxpayer provides the requested true and perfect list and/or supplementary schedules upon demand.

5. Effect of Filing. Filing a true and perfect list and any requested supplementary schedules may provide an assessor helpful information when the information is accurate and complete. An assessor, however, is not bound by the true and perfect list or by supplementary schedules, which do not replace the exercise of initiative and judgement on the part of the assessor. Even though a taxpayer provides information as to the nature, situation, and value of property, an assessor has the right and the obligation to determine value, based on all available information.
6. Standard Forms. Attached is a suggested standard form for a true and perfect list, as well as suggested forms for supplementary schedules.

NOTE: This bulletin is intended solely as advice to assist persons in determining, exercising or complying with their legal rights, duties or privileges. If further information is needed, contact the Property Tax Division of Maine Revenue Services.

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