

STATE OF MAINE
STATE BOARD OF PROPERTY TAX REVIEW

Docket No. 94-45

SIEMENS CREDIT CORPORATION,)	
)	
Petitioner)	
)	
v.)	
)	DECISION AND ORDER
CITY OF PORTLAND,)	
)	
and)	
)	
RICHARD W. BLACKBURN,)	
ASSESSOR, CITY OF PORTLAND,)	
)	
Respondents)	

This matter is before the State Board of Property Tax Review ("Board") on the appeal of Siemens Credit Corporation ("Siemens") from a decision by the Board of Assessment Review for the City of Portland with respect to Siemens' application for abatement of personal property taxes for the tax year commencing April 1, 1993. The appeal was timely filed pursuant to 36 M.R.S.A. § 843.

The State Board of Property Tax Review makes the following findings of fact and conclusions of law:

1. The personal property at issue is a mobile MRI scanner known as a magneton ("Mobile Magneton").
2. The assessed value placed on Siemens' Mobile Magneton by the City of Portland Assessor for the tax year beginning April 1, 1993, was \$1,711,180, and Siemens paid \$42,197.70 of personal property taxes thereon.
3. Siemens is a Delaware corporation and a non-resident of Maine.

4. The Mobile Magnetron was not physically present in the City of Portland on April 1, 1993, and, therefore, it is not taxable to Siemens by the City of Portland. 36 M.R.S.A. § 603(3).

Therefore, it is hereby **ORDERED** that:

1. The valuation assessed on Siemens' personal property for the tax year beginning April 1, 1993, is hereby abated in its entirety, and the \$42,197.70 of taxes thereon are hereby abated in their entirety.

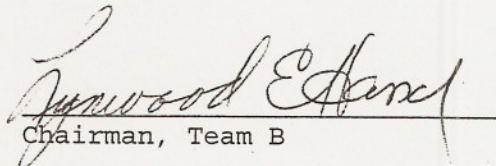
2. The City of Portland shall repay Siemens the \$42,197.70 of overpaid property taxes no later than December 8, 1995, with interest on one-half of that amount at the annual rate of 8% starting from the date Siemens' paid that amount to the date that amount is refunded to Siemens.

This Decision and Order is without prejudice to any right the City of Portland may have to issue a supplemental assessment against any other taxpayer.

This Decision and Order shall constitute certification under, and shall be transmitted to the City of Portland Tax Collector pursuant to, 36 M.R.S.A. § 841(5).

Any party wishing to appeal this Decision and Order must file a Petition for Review in the Superior Court within 30 days of receipt hereof, pursuant to 5 M.R.S.A. §§ 11001-11008.

Dated: December 8, 1995


Chairman, Team B