

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
115TH LEGISLATURE  
SECOND REGULAR SESSION

SENATE AMENDMENT "C" to S.P. 974, L.D. 2460, Bill, "An Act to Encourage the Development of Business and Infrastructure through the Extension of State Tax Increment Financing"

Amend the bill in section 5 in that part designated "§5254-A." by striking out all of subsections 8 and 9 and inserting in their place the following:

'8. Confidential information. The following records are designated as confidential for purposes of Title 1, section 402, subsection 3, paragraph A:

A. Any record obtained or developed by a municipality, the Commissioner of Economic and Community Development or the State Tax Assessor for designation or approval of a state tax increment financing district. After receipt by the municipality, the Commissioner of Economic and Community Development or the State Tax Assessor of the application or proposal, a record pertaining to the application or proposal is not considered confidential unless it meets the requirements of paragraphs B to E;

B. Any record obtained or developed by a municipality, the Commissioner of Economic and Community Development or the State Tax Assessor for designation or approval of a state tax increment financing district as long as:

(1) A person, which may include a municipality, to whom the record belongs or pertains has requested that the record be designated confidential; and

2           (2) The municipality has determined that information  
3           in the record gives the owner or a user of that  
4           information an opportunity to obtain business or  
5           competitive advantage over another person who does not  
6           have access to the information or that access to the  
7           information by others would result in a business or  
8           competitive disadvantage, loss of business or other  
9           significant detriment to any person to whom the record  
10           belongs or pertains;

11           C. Any financial record or tax return, obtained or  
12           developed by the municipality, the Commissioner of Economic  
13           and Community Development or the State Tax Assessor, the  
14           disclosure of which would constitute an invasion of personal  
15           privacy, as determined by the governmental entity in  
16           possession of that record or information;

17           D. Any record, including any financial statement or tax  
18           return, obtained or developed by the municipality, the  
19           Commissioner of Economic and Community Development or the  
20           State Tax Assessor in connection with any monitoring or  
21           servicing activity by the municipality, the Commissioner of  
22           Economic and Community Development or the State Tax Assessor  
23           that pertains to a state tax increment financing district;  
24           and

25           E. Any record obtained or developed by the municipality,  
26           the Commissioner of Economic and Community Development or  
27           the State Tax Assessor that contains an assessment of the  
28           creditworthiness or financial condition of any person or  
29           project.

30           A person may not knowingly divulge or disclose records declared  
31           confidential by this subsection.

32           9. Disclosure. Notwithstanding subsection 8, the  
33           municipality, the Commissioner of Economic and Community  
34           Development or the State Tax Assessor shall make available, upon  
35           request, to any person reasonably describing the records to which  
36           access is sought or, if no request is made, in any manner and at  
37           any time that the department or municipality determines  
38           appropriate, the following information.

39           A. The following must be released after provision of  
40           assistance:

41                   (1) Names of designated businesses, if applicable;

42                   (2) Types and general terms of assistance provided to  
43                   those designated businesses;

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(3) Descriptions of projects and businesses benefiting or to benefit from the state increment financing district; and

(4) Number of jobs and the amount of tax revenues projected or resulting in connection with a completed project.

B. Any information pursuant to waiver determined satisfactory by the municipality, the Commissioner of Economic and Community Development or the State Tax Assessor must be released.

C. Information that the municipality, the Commissioner of Economic and Community Development or the State Tax Assessor determines has already been made available to the public must be released.

D. Any information not otherwise confidential under subsection 8 or other applicable law must be released.

10. Audit process. Nothing in this section may be construed to limit the State Tax Assessor's authority to conduct an audit of any taxpayer included as a designated business in a development program pursuant to subsection 1-A, paragraph B. If distributions are made to a municipality with respect to a state tax increment financing district, the designated businesses within that district are subject to audit. When it is determined by the State Tax Assessor upon audit that a municipality has received a distribution larger than that to which it is entitled under this section, the overpayment must be applied against subsequent distributions. When there is no subsequent distribution, the designated business or businesses to which overpayments were made are liable for the amount of the overpayments and may be assessed pursuant to Title 36.'

**STATEMENT OF FACT**

This amendment changes the provision on confidentiality and adds a provision governing disclosure.

(Senator KANY)  
SPONSORED BY: Judy Kany  
COUNTY: Kennebec

Reproduced and Distributed Pursuant to Senate Rule 12.  
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