

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1137, L.D. 1537, Bill, "An Act to Establish a Development Authority for Loring Air Force Base"

Amend the bill in section 1 in that part designated "§13080-B." in subsection 1 in paragraph M in the last line (page 4, line 34 in L.D.) by striking out the following: "and"

Further amend the bill in section 1 in that part designated "§13080-B." in subsection 1 by inserting after paragraph M the following:

'N. Adopt rules pursuant to the Maine Administrative Procedure Act; and'

Further amend the bill in section 1 in that part designated "§13080-B." in subsection 1 by relettering the paragraphs to read consecutively.

Further amend the bill in section 1 in that part designated "§13080-C." in subsection 3 in the 5th and 6th lines (page 5, line 51 and page 6, line 1 in L.D.) by striking out the following: "designed to remedy underrepresentation of minorities, women and persons with disabilities" and inserting in its place the following: "as defined in section 782"

Further amend the bill in section 1 in that part designated "§13080-G." in subsection 1 in the 3rd line (page 7, line 47 in L.D.) by striking out the following: "conclusively"

Further amend the bill in section 1 in that part designated "§13080-G." in subsection 2 in the 2nd line (page 8, line 19 in L.D.) by striking out the following: "in fee simple absolute"

Further amend the bill in section 1 in that part designated
2 "~~§13080-G.~~" by striking out all of subsection 9 (page 10, lines 8
4 to 27 in L.D.) and inserting in its place the following:

6 '9. Property of minors or incapable persons. If the real
8 property in which a minor or other person not capable in law to
10 act in that person's own behalf has an interest is taken by the
12 authority under this article, the Superior Court, upon the filing
14 of a complaint by or in behalf of that minor or other person, may
16 appoint a guardian ad litem for the minor or other person. The
18 guardian may appear and be heard on behalf of the minor or other
20 person and, with the consent of the Superior Court and upon terms
22 the Superior Court prescribes, may release to the authority all
24 claims for damages for the taking of the real property of the
minor or other person. With the approval of the Probate Court,
having jurisdiction to authorize the sale of real property within
the State of the minor or other person and before the filing of
the complaint, a lawfully appointed, qualified and acting
guardian or other fiduciary of the estate of a minor or other
person may agree with the authority on the amount of damages
suffered by the minor or other person by the taking of the real
property and, upon receiving that amount, may release to the
authority all claims for damages of the minor or other person for
the taking.'

Further amend the bill by inserting before the emergency
clause the following:

'§13080-M. Annual report

30 1. Annual financial report. The authority shall submit to
32 the Governor, the Executive Director of the Legislative Council
34 and the joint standing committee of the Legislature having
36 jurisdiction over housing and economic development matters, not
38 later than 120 days after the close of the authority's fiscal
year, a complete report on the activities of the authority. The
report may also be provided to any other member of the
Legislature and to any other person. The report must include all
of the following for the previous year:

40 A. A description of the authority's operations;

42 B. An accounting of the authority's receipts and
44 expenditures, assets and liabilities at the end of its
fiscal year;

46 C. A listing of all property transactions pursuant to
48 section 13080-D;

D. An accounting of all activities of any special utility district formed under section 13080-E;

E. A listing of any property acquired by eminent domain under section 13080-G;

F. A listing of any bonds issued during the fiscal year;

G. A statement of the authority's proposed and projected activities for the ensuing year; and

H. Recommendations regarding further actions that may be suitable for achieving the purposes of this article.

Sec. 2. Report to committee; second regular session. The Loring Development Authority of Maine shall report to the Joint Standing Committee on Housing and Economic Development to the Second Regular Session of the 116th Legislature no later than April 1, 1994.

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

The Judicial Department may require additional future General Fund appropriations to fund the increase of jury trial that may result from eminent domain cases.

This bill establishes a new Class E crime. Sentences imposed for Class E offenses must be served in a county jail. The average cost per sentence for a Class E crime is \$4,188 based upon an average length of stay of 67 days. The additional costs to the counties for the housing of each offender sentenced under this new crime will not require reimbursement by the State.

The additional work load and administrative costs associated with the minimal number of new cases filed in the court system related to this new Class E crime can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenues by a minor amount.

This bill expands a property tax exemption to the Loring Development Authority of Maine. Pursuant to the Constitution of Maine, the State is required to reimburse municipalities for 50% of the lost property tax revenues due to new or expanded exemptions. The amount of additional General Fund appropriations required can not be determined at this time.

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2 This bill also includes several new requirements for local
units of government. The additional local costs of these
4 requirements will require 90% funding by the State as a state
mandate pursuant to the Constitution of Maine. The General Fund
6 appropriations required to fund these costs can not be estimated
at this time.'

8
10 **STATEMENT OF FACT**

12 The amendment gives the Loring Development Authority of
Maine the power to adopt rules in compliance with the Maine
Administrative Procedure Act, includes a reference to the
14 existing definition of affirmative action programs and makes
technical wording changes. The amendment also eliminates the
16 irrebuttable presumption that acquisition of property is a public
necessity based solely on the authority's declaration that taking
18 the property is in the public interest and necessary for public
use. It also deletes the provision that property acquired by the
20 authority vests in the authority in fee simple absolute. The
authority must submit a report on its activities to the Joint
22 Standing Committee on Housing and Economic Development in the
Second Regular Session of the 116th Legislature by April 1,
24 1994. The amendment also adds a fiscal note to the bill.

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Reported by the Committee on Housing and Economic Development
Reproduced and distributed under the direction of the Clerk of the
House
6/3/93 (Filing No. H-579)