

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

SECOND SPECIAL SESSION

September 25, 1981

AND

THIRD SPECIAL SESSION

December 9, 1981

AND

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

AND AT THE

FOURTH SPECIAL SESSION

April 28, 1982 to April 29, 1982

AND AT THE

FIFTH SPECIAL SESSION

May 13, 1982

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

Tax Fund described in this Act and also to provide for a reversionary interest of the Penobscot Nation and the Passamaquoddy Tribe in the funds so transferred in the event the Houlton Band of Maliseet Indians should terminate its interest in the Houlton Band Trust Fund.

In no event shall this Act become effective until 90 days after the adjournment of the Legislature, as required by the Constitution of Maine, Article IV, Part 3, section 16.

Effective as provided within the Act.

CHAPTER 676

H.P. 2053 - L.D. 1999

AN ACT to Allow for Industrial Development Improvements Utilizing Tax Increment Financing.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30 MRSA §4861, as enacted by PL 1977, c. 397, is amended to read:

§4861. Findings and declaration of necessity

It is found that there is a need for a new development in areas of municipalities which are already built up, to provide new employment opportunities, to improve and broaden the tax base and to improve the general economy of the State. Therefore, municipalities are authorized to develop a program for improving a district of the municipality: To provide impetus for industrial or commercial development, or both; to increase employment; to protect pedestrians from vehicle traffic and inclement weather; to provide the necessary linkage between peripheral parking facilities and places of employment and shopping; to provide off-street parking to serve the shoppers and employees of the district; to eradicate blight and deterioration; to provide open space relief within the district; and to provide other facilities as are outlined in the development program adopted by the governing body of the municipality. It is declared that the

actions required to assist the implementation of these development programs are a public purpose and that the execution and financing of such programs are a public purpose.

Sec. 2. 30 MRSA §4862, sub-§3, 2nd sentence, as enacted by PL 1977, c. 397, is amended to read:

The statement shall include a financial plan, a complete list of public facilities to be constructed, the uses of private property within the district, plans for the relocation of persons displaced by the development activities, the open space to be created, the proposed regulations and facilities to improve transportation, the environmental controls to be applied, and the proposed operation of the district after the completion of the planned capital improvements.

Sec. 3. 30 MRSA §4862, sub-§5, as enacted by PL 1977, c. 397, is amended to read:

5. Governing body of the municipality. "Governing body of the municipality" shall mean means the legislative body of a city municipality or any regular, special or other duly constituted meeting of a town.

Sec. 4. 30 MRSA §4862, sub-§7, as enacted by PL 1977, c. 397, is repealed and the following enacted in its place:

7. Original assessed value. "Original assessed value" means the assessed value of the district as of March 31st of the preceding tax year.

Sec. 5. 30 MRSA §4862, sub-§7-A is enacted to read:

7-A. Project costs. "Project costs" means any expenditures made or estimated to be made or monetary obligations incurred or estimated to be incurred by the municipality which are listed in a project plan as costs of public works or improvements within a development district plus any costs incidental thereto, diminished by any income, special assessments, or other revenues, other than tax increments, received or reasonably expected to be received by the municipality in connection with the implementation of this plan. These project costs include, but are not limited to:

A. Capital costs, including, but not limited to, the actual costs of the construction of public works or improvements, new buildings, structures and fixtures; the demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures and fixtures; the acquisition of equipment; and the clear-

ing and grading of land;

B. Financing costs, including, but not limited to, all interest paid to holders of evidences of indebtedness issued to pay for project costs and any premium paid over the principal amount thereof because of the redemption of the obligations prior to maturity;

C. Real property assembly costs, meaning any deficit incurred resulting from the sale or lease as lessor by the municipality of real or personal property within a development district for consideration which is less than its cost to the municipality;

D. Professional service costs, including, but not limited to, those costs incurred for architectural, planning, engineering and legal advice and services;

E. Administrative costs, including, but not limited to, reasonable charges for the time spent by municipal employees in connection with the implementation of a project plan;

F. Relocation costs, including, but not limited to, those relocation payments made following condemnation;

G. Organizational costs, including, but not limited to, the costs of conducting environmental impact and other studies and the costs of informing the public with respect to the creation of development districts and the implementation of project plans;

H. Payments made, in the discretion of the local legislative body, which are found to be necessary or convenient to the creation of development districts or the implementation of projects plans; and

I. That portion of the costs related to the construction or alteration of sewerage treatment plants, water treatment plants or other environmental protection devices, storm or sanitary sewer lines, water lines or amenities on streets or the rebuilding or expansion of which is necessitated by the project plan for a development district, whether or not the construction, alteration, rebuilding or expansion is within the development district.

Sec. 6. 30 MRSA §4862, sub-§§8, 9 and 10, as enacted by PL 1977, c. 397, are repealed.

Sec. 7. 30 MRSA §4863, sub-§1, as last amended by PL 1981, c. 131, is repealed and the following enacted in its

place:

1. Districts. The governing body of a municipality may designate development districts within the boundaries of the municipality. Prior to designating a district, the governing body shall consult with the municipal planning agency or department and with an advisory board, if established under section 4870, and shall also hold at least one public hearing, notice of which shall be published at least 10 days prior to the hearing in a newspaper of general circulation within the municipality. Not less than 25%, by area, of the real property within such district shall meet at least one of the following criteria:

- A. Is a blighted area;
- B. Is in need of rehabilitation or conservation work;
or
- C. Is suitable for industrial sites.

The total area of a single development district shall not exceed 2% of the total acreage of the municipality and all development districts shall not exceed 5% of the total acreage of the municipality. The aggregate value of equalized taxable property of the district plus all existing districts does not exceed 5% of the total value of equalized taxable property within the municipality. The boundaries of a district may be altered only after meeting the requirements for adoption under this subsection.

A designation under this subsection shall be effective upon approval by the governing body of the municipality. If the municipality has a charter, the designation shall be done in accordance with the provisions of the charter.

Sec. 8. 30 MRSA §4863, sub-§3, 3rd sentence, as enacted by PL 1977, c. 397, is amended to read:

The municipality's governing body may adopt ordinances regulating traffic in and access to ~~pedestrian skyways, public parking structures, and other~~ any facilities constructed within the development district.

Sec. 9. 30 MRSA §4863, sub-§3, last sentence, as amended by PL 1979; c. 331, §4, is further amended to read:

The municipality shall have the authority to install ~~special lighting systems and amenities~~ public improvements.

Sec. 10. 30 MRSA §4866, as enacted by PL 1977, c. 397, is amended by adding at the end a new sentence to read:

The tax increment within a development district may be used as the local match for certain grant programs.

Sec. 11. 30 MRSA §4867, as enacted by PL 1977, c. 397, is amended to read:

§4867. Financing

The governing body of the municipality may authorize, issue and sell general obligation bonds, which shall mature within 30 years from the date of issue, to finance the acquisition and betterment of real and personal property all project costs as defined in section 4862, subsection 7-A, needed to carry out the development program within the development district, together with all relocation costs. All revenues derived under section 4864 or under section 4865, subsection 1, received by the municipality shall be pledged for the payment of these bonds the incurred indebtedness and used to reduce or cancel the taxes otherwise required to be expended for that purpose, and the bonds notes, bonds or other forms of financing shall not be included when computing the municipality's net debt.

Effective July 13, 1982.

CHAPTER 677

H.P. 2270 - L.D. 2117

AN ACT to Promote the Maine Groundfish Industry.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA c. 621, sub-c. III is enacted to read:

SUBCHAPTER III

MAINE GROUND FISH ASSOCIATION

§6581. Findings and purpose

The Legislature finds that the Gulf of Maine supports a large industry engaged in harvesting and processing