

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
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J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
JANUARY 4, 1984 TO APRIL 25, 1984

Effective July 25, 1984.

CHAPTER 810

H.P. 1859 - L.D. 2460

AN ACT to Provide Operating Funds for the Spruce Budworm Management Program and to Assure an Accurate Accounting of its Costs.

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

Sec. 1. 12 MRSA §8426, sub-§1, as enacted by PL 1979, c. 737, §12, is amended to read:

1. Recommendation of the director. On or before January 1st of each year, the director shall report in writing to the Bureau of the Budget and to the Legislature his estimate of the costs of implementation of any spray project proposed for that calendar year, along with his estimate of the cost of funding program planning activities for the period beginning October 1st and ending on April 30th of the following year.

Sec. 2. 12 MRSA §8426, sub-§2, as amended by PL 1983, c. 109, §1, is further amended to read:

2. Authorization by Legislature. Following the recommendation made in accordance with subsection 1, the Legislature shall determine, not later than March 1st, the amount, if any, authorized for expenditure for any spray project in that calendar year, except for the 1983 project which shall be determined not later than March 20th. That excise tax shall be assessed and collected in accordance with section 8427, subsection 2. At the same time, the Legislature shall determine the amount, if any, authorized for expenditure for preproject planning during the period beginning October 1st and ending April 30th of the following year.

Sec. 3. 12 MRSA §8426, sub-§5 is enacted to read:

5. Treasurer of State; temporary loan. The Treasurer of State, upon the recommendation of the director, as approved by the Governor, may negotiate a temporary loan or loans in anticipation of excise

taxes to be raised during the same fiscal year. The loan application shall be initiated by the Treasurer of State so that the funds derived therefrom are available not before July 1st for expenditure by October 1st of the same fiscal year.

The money borrowed shall be deposited in a separate special revenue account and shall be used to fund the program during the preproject period beginning October 1st and ending on April 30th. Any income derived from investment of these funds shall be credited to the account established pursuant to section 8426, subsection 3, paragraph A, subparagraph (2).

Any amount borrowed pursuant to this section shall be repaid with interest from the amount collected as a preproject excise tax under section 8427, subsection 2. In the event that no such tax is collected, this amount shall be raised by a shared tax applicable to all acres in the district, as of July 1st of that fiscal year, the per acre rate of which shall be calculated by dividing the sum to be raised by the number of acres within the district.

Sec. 4. 12 MRSA §8427, sub-§2, ¶B, as enacted by PL 1981, c. 278, §9, is amended to read:

B. The ratio computed in paragraph A shall be multiplied by the estimate of total project cost provided in section 8426, subsection 1, less the carryover account balance for landowners in the previous program; and

Sec. 5. 12 MRSA §8427, sub-§3, as amended by PL 1983, c. 109, §2, is further amended to read:

3. Post-project excise tax. The post-project tax for forest landowners within the district shall be computed and assessed as follows.

A. The director shall determine the total amount of costs incurred or budgeted to be expended in connection with any spray project conducted during the then current calendar year.

B. The amount computed in paragraph A shall be reduced by the amount of any moneys received for that project from the Government of the United States.

C. Ninety percent of the amount computed under paragraph B shall be raised by a post-project spray tax, the per acre rate of which shall be calculated by dividing the sum to be so raised by

the number of acres which actually received spray treatment, as determined by the director.

D. Ten percent of the amount computed under paragraph B shall be raised by a post-project shared tax, applicable to all taxable acres in the district, the per acre rate of which shall be calculated by dividing the sum to be raised by the number of acres within the district, as designated by the director.

E. The director shall certify in writing to the State Tax Assessor, by September 1st, the post-project shared tax rates and the post-project spray tax rate, together with the number of acres within each ownership which are subject to those taxes. The director's certification shall be based on the latest available actual cost data, as well as an estimate of outstanding obligations, including personnel costs of the budworm management program. Final actual costs shall be determined on or before March 15th of the following calendar year. Any underestimates or overestimates resulting from this paragraph shall be credited or debited to the following year's program as appropriate.

F. The amount of the post-project excise taxes payable by each landowner shall be reduced by the amount assessed upon that landowner on account of the pre-project excise tax payable for that calendar year.

G. The State Tax Assessor shall compute, assess and bill, by November 1st the amount of the post-project excise taxes payable by each landowner in accordance with this section.

In the event that the amount so calculated results in a negative balance for any landowner, the State Tax Assessor shall refund to that landowner the amount of the balance in the form of a tax rebate. The rebate shall be made no later than April 30th of the year following the assessment date.

Sec. 6. Extension. Notwithstanding the Revised Statutes, Title 12, section 8426, subsection 2, the date by which the Legislature must authorize borrowing for preproject planning activities is extended to April 30, 1984, in calendar year 1984 only. Future determinations shall be made by February 15th, as authorized in Title 12, subsection 8426.

Sec. 7. Preproject planning cost. In accordance with the Revised Statutes, Title 12, section 8426, the Legislature determines the cost of preproject planning activities for the period beginning October 1, 1984, and ending April 30, 1985, is \$550,000

Effective July 25, 1984.

CHAPTER 811

H.P. 1826 - L.D. 2421

AN ACT to Fairly Apportion the Cost of Canceled Electric Generating Facilities.

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

Sec. 1. 35 MRSA §52-A, as amended by PL 1983, c. 628, is repealed.

Sec. 2. 35 MRSA §52-B is enacted to read:

§52-B. Recovery of cost of canceled or abandoned electric generating facility

1. Determining rate-making treatment. In determining the rate-making treatment for a utility's investment in canceled or abandoned electric generating facilities, the commission shall balance the interests of the utility and ratepayers in a just and reasonable manner in each individual case. The commission shall not permit a utility to recover in rates any costs incurred imprudently in relation to an investment in a canceled or abandoned electric generating facility.

2. Canceled or abandoned generating facilities. As used in this section, the term "canceled or abandoned generating facilities" means any electric generating facility canceled or abandoned by the owner or by the joint participants in the facility in accordance with the terms of applicable agreements or otherwise.

3. Exception. This section does not apply to any canceled or abandoned electric generating facility for which the commission has authorized a recovery of any portion of the costs of that facility from ratepayers prior to the effective date of this section.