

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH
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SUBSECTION 4.

J.S. McCarthy Co., Inc.
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PUBLIC LAWS
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1985

For the purposes of this subsection, "sudden" means an unexpected or abrupt discharge which occurs after September 1, 1981.

Effective September 19, 1985.

CHAPTER 163

H.P. 370 - L.D. 525

AN ACT to Amend the Municipal Development District Law.

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

Sec. 1. 30 MRSA §4862, sub-§1, as enacted by PL 1977, c. 397, is amended to read:

1. Captured assessed value. "Captured assessed value" means the valuation amount by which the current assessed value of the development a tax increment financing district exceeds the original assessed value of the district. If the current assessed value is equal to or less than the original there is no captured assessed value.

Sec. 2. 30 MRSA §4862, sub-§4, as enacted by PL 1977, c. 397, is amended to read:

4. Financial plan. "Financial plan" means a statement of the costs and sources of revenue required to accomplish the development program. The statement shall contain cost estimates for the development program, the estimates of captured assessed values, the portion of the captured assessed values to be applied to the development program and resulting tax increments in each year of the program, the amount of bonded indebtedness to be incurred, other sources of anticipated revenues and the duration of the program. The statement shall also contain For a development program for a tax increment financing district, the statement shall also contain estimates of captured assessed values of the district, the portion of the captured assessed values to be applied to the development program and resulting tax increments in each year of the program and a statement of the estimated impact of tax increment financing on all

taxing jurisdictions in which the district is located.

Sec. 3. 30 MRSA §4862, sub-§12 is enacted to read:

12. Tax increment financing district. "Tax increment financing district" means a type of development district, or portion of such a district, which utilizes tax increment financing under section 4864.

Sec. 4. 30 MRSA §4863, sub-§1, as repealed and replaced by PL 1983, c. 859, Pt. N, §1, is amended to read:

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.

A. Not less than 25%, by area, of the real property within such a development district shall meet at least one of the following criteria:

- (1) Is a blighted area;
- (2) Is in need of rehabilitation or conservation work; or
- (3) Is suitable for industrial sites.

B. 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.

B-1. The aggregate value of equalized taxable property of a tax increment financing district,

plus all existing tax increment financing districts, shall not exceed 5% of the total value of equalized taxable property within the municipality.

C. The designation of captured assessed value of property within a development tax increment financing district shall be subject to the following limitations:

(1) The annual increase in captured assessed value of property within development tax increment financing districts must not exceed \$5,000,000 in any county; and

(2) The annual increase in captured assessed value of property within development tax increment financing districts must not exceed \$15,000,000 statewide. The Director of the State Development Office shall promulgate any rules necessary to allocate or apportion the designation of captured assessed value of property within development tax increment financing districts in accordance with these limitations.

D. Before final designation of a tax increment financing district, the Director of the State Development Office shall review the proposal to ensure that it is in compliance with statutory requirements and shall identify tax shifts within the county where the district will exist. A designation under this subsection shall be effective upon approval by the governing body of the municipality and, for tax increment financing districts, the Director of the State Development Office. If the municipality has a charter, the designation shall be done in accordance with the provisions of the charter.

Sec. 5. 30 MRSA §4864, sub-§1, as enacted by PL 1977, c. 397, is amended to read:

1. Captured assessed value. The municipality may retain all or part of the tax increment of a development tax increment financing district for the purpose of financing the development program. The amount of tax increment to be retained shall be determined by designating the amount of capture assessed value to be retained. At the time of adoption of a development program for a tax increment financing district, the governing body shall adopt a state-

ment of the percentage of captured assessed value to be retained in accordance with the development program. Once adopted, the percentage may only be decreased in subsequent years, unless a new development program is adopted, or the present plan is amended or altered under section 4863. The municipal assessor shall certify the amount of the captured assessed value to the municipality each year.

Sec. 6. 30 MRSA §4864, sub-§2, as enacted by PL 1977, c. 397, is amended to read:

2. Original assessed value. Upon or after formation of a development tax increment financing district, the assessor of the municipality in which it is located shall, on request of the governing body, certify the original assessed value of the taxable real property within the boundaries of the development tax increment financing district. Each year thereafter the municipal assessor shall certify the amount by which assessed value has increased or decreased from the original value.

Sec. 7. 30 MRSA §4864, sub-§5, ¶A, as enacted by PL 1977, c. 397, is amended to read:

A. Nothing in this section shall ~~allow~~ allows or ~~sanction~~ sanctions unequal apportionment or assessment of the taxes to be paid on real property in this State, and all real property within the development tax increment financing district shall pay real property taxes apportioned equally with property taxes paid elsewhere in the municipality.

Sec. 8. 30 MRSA §4865, sub-§2-A is enacted to read:

2-A. Implementation assessments. The municipality may estimate and assess upon all lots or property within the development district an implementation assessment. The assessment shall be assessed equally and uniformly on all lots or property receiving benefits from the development program. The implementation assessments may be used to fund activities which, in the opinion of the governing body of the municipality, are reasonably necessary to achieve the purposes of the development program. Prior to estimating and assessing an implementation assessment, the municipality shall give notice and hold a hearing

as provided under subsection 3. The activities funded by implementation assessments shall be in addition to those already conducted within the district by the municipality at the time of the adoption of the development district.

Sec. 9. 30 MRSA §4865, sub-§3, as enacted by PL 1977, c. 397, is amended to read:

3. Notice and hearing. Prior to estimating and assessing an assessment under subsection 1 ~~or~~, 2 or 2-A, the municipality shall give notice and hold a hearing. Notice of the hearing shall be published at least 10 days prior to the hearing in a newspaper of general circulation within the municipality. The notice shall include:

- A. The date, time and place of hearing;
- B. The boundaries of the development district by legal description;
- C. A statement that all interested persons owning real estate or taxable property located within the district will be given an opportunity to be heard at the hearing and an opportunity to file objections to the amount of the assessment; and
- D. The maximum rate of assessments to be extended in any one year, and may include a maximum number of years the assessments will be levied; and
- E. A proposed list of properties to be assessed and the estimated assessments against those properties.

Effective September 19, 1985.

CHAPTER 164

H.P. 954 - L.D. 1373

AN ACT Concerning the Removal of Child Abusers from the Household.

Emergency Preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and