

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**

**OF THE**

**STATE OF MAINE**

**AS PASSED AT THE**

**FIRST REGULAR SESSION**

**of the**

**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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**3. Development program fund; tax increment revenues.** If a municipality has elected to retain all or a percentage of the retained captured assessed value under subsection 1, it the municipality shall:

~~A. Establish a development sinking program fund which is pledged to and charged with the payment of the interest and principal as they fall due, and the necessary charges of paying agents for paying interest and principal on any notes, bonds or other evidences of indebtedness that were issued to fund or refund the rehabilitation or development under this chapter, and that consists of the following:~~

(1) A development sinking fund account that is pledged to and charged with the payment of the interest and principal as the interest and principal fall due and the necessary charges of paying interest and principal on any notes, bonds or other evidences of indebtedness that were issued to fund or refund the cost of the development program fund; and

(2) A project cost account that is pledged to and charged with the payment of project costs as outlined in the financial plan and are paid in a manner other than as described in subparagraph (1);

B. Annually set aside all tax increment revenues on retained captured assessed values payable to the municipality for public purposes and deposit them all tax increment revenues to the credit of the appropriate development sinking program fund; account in the following priority:

(1) To the development sinking fund account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual debt service on bonds and notes issued under section 5257 and the financial plan; and

(2) To the project cost account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual project costs to be paid from the account;

C. Be permitted to make transfers between development program fund accounts as required, provided that the transfers do not result in a balance in the development sinking fund account that is insufficient to cover the annual obligations of that account; and

D. Annually return to the municipal general fund any tax increment revenues in excess of those estimated to be required to satisfy the obligations of the development sinking fund account. The corresponding amount of local valuation may not be included as

part of the retained captured assessed value as specified by the municipality.

**Sec. 9. 30-A MRSA §5255, sub-§1, ¶A,** as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

A. A development assessment upon lots or property within the development district. The assessment shall must be made upon lots or property that have been benefited by improvements constructed or created under the development program and may not exceed a just and equitable proportionate share of the cost of the improvement. All revenues from assessments under this paragraph shall be are paid into the appropriate development sinking fund program account;

**Sec. 10. 30-A MRSA §5257,** as amended by PL 1989, c. 508, §6, is further amended to read:

**§5257. Financing**

The legislative body of a municipality may authorize, issue and sell bonds, including, but not limited to, general obligation or revenue bonds or notes, which mature within 20 years from the date of issue, to finance all project costs needed to carry out the development program within the development district. The municipal officers authorized to issue ~~such~~ the bonds or notes may borrow money in anticipation of ~~their~~ the sale of the bonds for a period of up to 3 years by issuing temporary notes and notes in renewal ~~thereof~~ of the bonds. All revenues derived under section 5254 or under section 5255, subsection 1; received by the municipality ~~shall be~~ are pledged for the payment of the ~~incurred indebtedness~~ activities described in the development program and used to reduce or cancel the taxes, ~~which that~~ that may otherwise be required to be expended for that purpose. The notes, bonds or other forms of financing ~~shall~~ may not be included when computing the municipality's net debt. Nothing in this section restricts the ability of the municipality to raise revenue for the payment of project costs in any manner otherwise authorized by law.

See title page for effective date.

**CHAPTER 432**

**S.P. 443 - L.D. 1187**

**An Act to Amend and Clarify the Definition of Earnable Compensation in the Maine State Retirement System Laws**

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

**5 MRSA §17001, sub-§13, ¶B,** as amended by PL 1985, c. 801, §§5 and 7, is further amended to read:

B. "Earnable compensation" does not include:

(1) Payment for more than 30 days of unused accumulated or accrued sick leave, payment for more than 30 days of unused vacation leave or payment for more than 30 days of a combination of both;

(2) Any other payment ~~which~~ that is not compensation for actual services rendered or ~~which~~ that is not paid at the time the actual services are rendered; or

(3) Teacher recognition grants paid pursuant to Title 20-A, section 13503-A.

A payment for unused sick leave or unused vacation leave may not be included as part of earnable compensation unless it is paid upon the member's last termination before the member applies for retirement benefits.

See title page for effective date.

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## CHAPTER 433

H.P. 1150 - L.D. 1675

### An Act to Clarify the Laws Pertaining to Underground Oil Storage Tanks

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

**Sec. 1. 38 MRSA §563-A, sub-§1-C** is enacted to read:

1-C. Extension. The removal requirement for an underground oil storage tank or facility prescribed in subsection 1 is extended 12 months if, prior to the removal date prescribed in subsection 1, a person required to remove an underground oil storage facility or tank:

A. Can not secure financing for that removal as evidenced by 3 letters from financial institutions; or

B. Can not obtain the services of a certified underground oil storage tank installer or remover required under section 566-A as evidenced by 3 letters from certified underground oil storage tank installers or removers.

**Sec. 2. 38 MRSA §568, sub-§3, ¶C** is enacted to read:

C. Upon completion of the clean-up activity, the commissioner shall issue a letter to the responsible party or parties indicating that the clean-up order has been complied with for one or more parcels.

**Sec. 3. 38 MRSA §568-A, sub-§1, ¶A**, as enacted by PL 1989, c. 865, §15 and affected by §§24 and 25, is amended to read:

A. The applicant must submit within 90 days of reporting the discharge; a written request to the commissioner to be covered by the fund. The request must include:

(1) A description of the discharge and the locations threatened or affected by the discharge, to the extent known;

(2) An agreement that the applicant shall pay the initial costs of cleanup and 3rd-party damage claims up to the deductible amount specified in subsection 2; and

(3) Documentation that the applicant is in substantial compliance with the requirements of paragraph B.

Within 90 days of receipt of an applicant's completed request for coverage by the fund submitted pursuant to subsection 1, paragraph A, the commissioner must issue an order approving or denying the applicant's request. Failure to issue an order within this period constitutes approval of the applicant's request for coverage by the fund.

**Sec. 4. 38 MRSA §569, first ¶**, as amended by PL 1989, c. 865, §16 and affected by §§24 and 25, is further amended to read:

The Ground Water Oil Clean-up Fund is established to be used by the department as a nonlapsing, revolving fund for carrying out the purposes of this subchapter. The balance in the fund is limited to \$15,000,000. When the fund balance reaches \$15,000,000, the collection of fees, as prescribed under subsection 4-A, paragraphs A and B, abates until the fund balance is reduced to \$12,500,000, at which point those fees are reimposed. To this fund are credited all registration fees, fees for late payment or failure to register, penalties, transfer fees, reimbursements, assessments and other fees and charges related to this subchapter. To this fund are charged any and all expenses of the department related to this subchapter, including administrative expenses, payment of 3rd-party damages covered by this subchapter, costs of removal of discharges of oil and costs of cleanup of discharges, including, but not limited to, restoration of water supplies and any obligations of the State pursuant to Title 10, section 1024, subsection 1.

**Sec. 5. 38 MRSA §569, sub-§4-A, ¶¶A and B**, as enacted by PL 1989, c. 865, §16 and affected by §§24 and 25, are amended to read: