

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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

J.S. McCarthy Company
Augusta, Maine
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

D. Any record, including any financial statement or tax return, obtained or developed by the municipality, the Commissioner of Economic and Community Development or the State Tax Assessor in connection with any monitoring or servicing activity by the municipality, the Commissioner of Economic and Community Development or the State Tax Assessor that pertains to a state tax increment financing district;

E. Any record obtained or developed by the municipality, the Commissioner of Economic and Community Development or the State Tax Assessor that contains an assessment by a person who is not employed by that municipality or the State of the creditworthiness or financial condition of any person or project; and

F. Any financial statement if a person to whom the statement belongs or pertains has requested that the record be designated confidential.

A person may not knowingly divulge or disclose records declared confidential by this subsection.

9. Audit process. Nothing in this section may be construed to limit the State Tax Assessor's authority to conduct an audit of any taxpayer included as a designated business in a development program pursuant to subsection 1-A, paragraph B. If distributions are made to a municipality with respect to a state tax increment financing district, the designated businesses within that district are subject to audit. When it is determined by the State Tax Assessor upon audit that a municipality has received a distribution larger than that to which it is entitled under this section, the overpayment must be applied against subsequent distributions. When there is no subsequent distribution, the designated business or businesses to which overpayments were made are liable for the amount of the overpayments and may be assessed pursuant to Title 36.

Sec. 6. 30-A MRSA §5261 is enacted to read:

§5261. Unorganized territory

For the purposes of this chapter, a county may act as a municipality for the unorganized territory within the county and may designate development districts within the unorganized territory. When a county acts under this section, the county commissioners act as the municipality and as the municipal legislative body, the State Tax Assessor acts as the municipal assessor and the unorganized territory fund receives the funds designated for the municipal general fund. A development district created under this section is not eligible for state tax increment financing under section 5254-A. For purposes of section 5255, the State acts as the municipal assessing authority.

Sec. 7. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1992-93

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Bureau of Taxation

Positions	(1.0)
Personal Services	\$36,785
All Other	3,555
Capital Expenditures	8,080

Provides funds for a Management Analyst II to administer the state tax increment financing district process.

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
TOTAL

\$48,420

See title page for effective date.

CHAPTER 857

S.P. 958 - L.D. 2462

An Act Concerning the Maine State Retirement System

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

Sec. 1. 5 MRSA §17154, sub-§9 is enacted to read:

9. Improper application of statutes. Notwithstanding the other provisions of this section, additional actuarial and administrative costs resulting from omissions or misrepresentations by an employer as to a member's earnings, service or service credits or from improper application of retirement system statutes or rules regarding earnings, service or service credits must be charged to and paid by the employer that omitted information, provided misinformation or improperly applied the statutes or rules, unless the omission, misrepresentation or improper application results from erroneous information provided by the retirement system. The employer is liable for amounts not recovered from the retiree and for costs incurred by the retirement system in resolving problems caused by the employer's actions. For purposes of this subsection, "employer" means any department of State Government, school administrative unit or participating local district.

Sec. 2. 5 MRSA §17851, sub-§11, as amended by PL 1987, c. 670, is further amended to read:

11. Maine State Prison employees. The warden or deputy warden of the Maine State Prison, any officer or employee of the Maine State Prison employed as a guard or in the management of prisoners or any person employed as the supervising officer of those officers or employees or as an advocate at the Maine State Prison qualifies for a service retirement benefit if ~~he~~ that person:

A. Was employed in one of those capacities before September 1, 1984; and:

(1) Completes 20 years of creditable service in one or more of those capacities; and

(2) Retires upon or after reaching the age of 50 years; or

B. Was employed in one of those capacities after August 31, 1984; and completed 25 years of creditable service in one or more of those capacities.

Notwithstanding any other provision in this section, no person in the employ of the Bangor Pre-Release Center on the effective date of this subsection who would have qualified for a service retirement benefit if the Bangor Pre-Release Center had remained the administrative responsibility of the Maine State Prison may be denied such a benefit by virtue of the transfer of that responsibility to the Charleston Correctional Facility.

Sec. 3. Costs not funded. Notwithstanding the Maine Revised Statutes, Title 30-A, section 5684, any requirements of this Act that result in additional costs to local or county government are not state mandates subject to that section and the State is not required to fund those costs.

See title page for effective date.

CHAPTER 858

S.P. 319 - L.D. 857

An Act to Ensure Adequate Resources for Energy Assistance Programs for Low-income Households

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

Sec. 1. 30-A MRSA §4992-A is enacted to read:

§4992-A. Fuel Assistance Reserve Fund

1. Fuel Assistance Reserve Fund. If funds are appropriated pursuant to this section, the authority shall use the funds to establish and capitalize the Fuel Assist-

ance Reserve Fund. The authority shall keep the Fuel Assistance Reserve Fund, referred to in this section as the "fund," separate from all other funds managed by the authority and use the fund only under the conditions set forth in this section. The authority shall use the Fuel Assistance Reserve Fund to ensure that fuel assistance benefits for the State's eligible elderly and low-income residents are available prior to the beginning of the heating season.

2. Timely distribution of benefits. The authority shall make available to local program operators and municipal administrators of the fuel assistance program, by October 1st of each year, funds sufficient to cover anticipated fuel assistance payments and program administrative costs for at least the months of October, November and December.

3. Conditional use of the fund. The authority's use of the fund is subject to the following conditions and limitations.

A. If the authority reasonably anticipates that federal fuel assistance block grant funds are not available for distribution to the local program operators and municipal administrators by October 1st of each year, the authority shall withdraw and distribute sufficient money from the fund as is necessary for the purposes set forth in this section. The authority may withdraw funds prior to October 1st, provided that those funds are used only for costs incurred on or after October 1st.

Money may not be withdrawn from the fund if sufficient block grant funds are available by October 1st to pay reasonably anticipated fuel assistance program and administrative costs for the months of October, November and December.

B. Money withdrawn from the fund must be sufficient to cover anticipated fuel assistance payments and fuel assistance program administrative costs for all local program operators and municipal administrators for the months of October, November and December.

C. The fund may not be used if the authority reasonably anticipates that no federal fuel assistance money will be received.

4. Recapitalization. If money is withdrawn from the fund for the purposes of this section, the authority shall ensure that the fund is fully recapitalized before the end of the fiscal year in which the funds were appropriated.

See title page for effective date.