

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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Augusta, Maine
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

project or projects are submitted to the ~~Legislative~~ Legislative Office of Fiscal and Program Review for review by the ~~Joint Standing Committee on Appropriations and Financial Affairs~~ joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs at least 60 days before closing on such borrowing for the project or projects is to be initiated;

Sec. 2. 20-A MRSA §10953, sub-§3, as amended by PL 1989, c. 578, §2, is further amended to read:

3. Refund evidences of indebtedness. To refund evidences of indebtedness issued pursuant to this chapter or to refund general obligation debt of the State ~~issued previously to finance any project or projects~~; or

Sec. 3. 20-A MRSA §10954, sub-§2, as amended by PL 1989, c. 578, §3, is further amended to read:

2. Refund evidences of indebtedness. To refund evidences of indebtedness issued and to finance the cost of any project or projects as provided in this chapter or to refund general obligation debt of the State ~~issued previously to finance any project or projects~~; or

Sec. 4. 20-A MRSA §10959, as amended by PL 1989, c. 578, §4, is further amended to read:

§10959. Refunding indebtedness

Pursuant to sections 10953 to 10955, the university may enter into financing transactions and issue evidences of indebtedness for the purpose of refinancing obligations or evidences of indebtedness issued under this chapter or to refund general obligation debt of the State ~~issued previously to finance any project or projects~~, including the payment of any redemption premium on the evidences of indebtedness or general obligation debt of the State and any interest accrued or to accrue to the date of redemption of those obligations, and if deemed advisable by the university for the additional purpose of construction or enabling the construction of improvements, extensions, enlargements or additions of the project or projects in connection with which the obligations to be refunded ~~shall~~ have been issued. The university's refunding authority ~~shall include~~ includes authority to borrow and issue evidences of indebtedness for the combined purpose of refunding any evidences of indebtedness issued under this chapter then outstanding or refunding general obligation debt of the State ~~issued previously to finance any project or projects~~, including the payment of any redemption premium on the evidences of indebtedness or general obligation debt of the State and any interest accrued or to accrue to the date of redemption of those obligations, and paying all or any part of the cost of acquiring or constructing or enabling the acquisition or construction of any additional project or projects or part of a project, or any improvements, extensions, enlargements or additions of any project or projects. The incurring of indebtedness for refunding

purposes and the issuance of evidences of indebtedness in connection with the indebtedness, the maturities and other details, the rights and remedies of the holders and the rights, powers, privileges, duties and obligations of the university with respect to the indebtedness ~~shall be~~ are governed by this chapter insofar as the chapter may be applicable. In the event the university refunds general obligation debt of the State not previously issued to finance any project or projects, the Treasurer of State is authorized to discharge the university from an amount of its obligations to reimburse the State for debt service on general obligation debt of the State issued to finance any project or projects that is equivalent to the general obligation debt of the State actually being refunded by the issuance of bonds under this chapter. Equivalent amounts must be determined on the basis of the discounted present value of all such obligations.

Sec. 5. 30-A MRSA §5903, sub-§7-A, as enacted by PL 1989, c. 48, §§15 and 31, is repealed and the following enacted in its place:

7-A. Municipality. "Municipality" means:

A. Any city, town, special district, county, plantation or municipal village corporation within the State; or

B. For the purpose of section 5953, subsection 1, paragraph D only, any water utility as defined in subsection 13.

Sec. 6. 30-A MRSA §5953, sub-§1, ¶D, as amended by PL 1991, c. 775, §2, is further amended to read:

D. Borrow money and make the borrowing proceeds available to the municipality ~~or water utility~~ at terms agreed upon by the bank and the municipality.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective December 9, 1992.

CHAPTER 3

S.P. 47 - L.D. 69

An Act to Amend the Dislocated Worker Benefits Program

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

Whereas, there are declining reserves in the State's unemployment compensation fund; and

Whereas, this decline will by current law require the Dislocated Worker Benefits Program to end January 2, 1993; and

Whereas, this would displace approximately 400 dislocated workers from retraining efforts; and

Whereas, this would be detrimental to those retraining efforts and would cause severe economic and personal hardship affecting hundreds of citizens in the State if this provision were not amended; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 26 MRSA §1196, sub-§4, as enacted by PL 1991, c. 472, §1, is amended to read:

4. Suspension of provisions due to the reserve multiple. This section; section 1043, subsection 5, paragraph B; and section 1191, subsection 4, paragraph A are not in effect if the reserve multiple determined under section 1221, subsection 4, paragraph C is .245 or below, and remain ineffective until the reserve multiple is determined to be above .245. This subsection is not in effect from January 1, 1993 to June 26, 1993.

Sec. 2. Retroactivity. This Act applies retroactively to January 1, 1993.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective January 29, 1993.

CHAPTER 4

S.P. 68 - L.D. 129

An Act to Amend the Defense Finance and Accounting Service Financial Assistance Laws

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

Sec. 1. 30-A MRSA §5271, sub-§10, as enacted by PL 1991, c. 886, §1 and affected by §2, is amended by amending the first paragraph to read:

10. Project costs. "Project costs" means any expenditures made or estimated to be made or monetary obligations incurred or estimated to be incurred by a

municipality that are listed in a DFAS development program as costs of improvements, including public works, acquisition, construction or rehabilitation of land or improvements for sale or lease to, or use by, commercial or industrial users, or the United States Government or any agency or instrumentality of the United States Government, within a DFAS project area, plus any costs incidental to those improvements, reduced by any income, special assessments or other revenues, other than DFAS revenues, received or reasonably expected to be received by the municipality in connection with the implementation of this plan.

Sec. 2. 30-A MRSA §5272, sub-§4, as enacted by PL 1991, c. 886, §1 and affected by §2, is amended to read:

4. Assistance. The DFAS financial assistance program provides for a municipality to receive a portion of the increased sales and personal income taxes generated as a result of implementing the DFAS development program to pay for the cost of implementing the program. In addition, the DFAS financial assistance program vests a municipality with the same authority as is set forth in section 5275, subsection 4.

Sec. 3. 30-A §5272, sub-§6, as enacted by PL 1991, c. 886, §1 and affected by §2, is amended to read:

6. Cap on DFAS revenues. The maximum amount of DFAS revenues available to a municipality may not exceed the amount necessary to finance costs specified in the municipality's response on or before ~~June 1, 1992~~ January 4, 1993 to the Defense Finance and Accounting Service's Opportunity for Economic Growth announcement issued March 2, 1992.

Sec. 4. 30-A MRSA §5272, sub-§7, as enacted by PL 1991, c. 886, §1 and affected by §2, is amended to read:

7. Calculation of DFAS revenues. Annually, the State Tax Assessor shall determine the DFAS revenues generated from the implementation of the DFAS development program, based upon the method set forth in section 5272, subsection 10, and on or before April 15th, forward a statement of the amount of DFAS revenues to be received by the municipality to the Commissioner of Administrative and Financial Services.

Sec. 5. 30-A MRSA §5272, sub-§8, as enacted by PL 1991, c. 886, §1 and affected by §2, is amended to read:

8. DFAS program fund. To manage properly the DFAS revenues received pursuant to subsection 5, the municipality:

A. Shall establish a DFAS program fund that consists of the following: