

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

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

tion provided in this paragraph ~~shall apply~~ applies to the property of that veteran including property held in joint tenancy with that veteran's spouse.

Sec. 7. 36 MRSA §653, sub-§1, ¶E, as amended by PL 1989, c. 501, Pt. Z and c. 502, Pt. A, §128, is repealed and the following enacted in its place:

E. The word "veteran" as used in this subsection means any person, male or female, who was in active service in the Armed Forces of the United States during any federally recognized war period or the Korean Campaign, the Vietnam War or the Persian Gulf War and who, if discharged, retired or separated from the Armed Forces, was discharged, retired or separated under other than dishonorable conditions. A veteran of the Vietnam War must have served on active duty for a period of more than 180 days, any part of which occurred after August 4, 1964 and before May 7, 1975, except if the veteran died in service or was discharged for a service-connected disability after such date. "Vietnam War" means that period between August 5, 1964 and May 7, 1975. "Persian Gulf War" means service on active duty between August 7, 1990 and April 11, 1991;

Sec. 8. 37-B MRSA §504, sub-§4, ¶A-1, as amended by PL 1989, c. 502, Pt. D, §21, is further amended by amending subparagraph (3) to read:

(3) "Federally recognized period of conflict" means World War I, April 6, 1917 to November 11, 1918, March 31, 1920, if service was in Russia; World War II, December 7, 1941 to December 31, 1946; Korean Conflict, June 27, 1950 to January 31, 1955; ~~and~~ the Vietnam War, August 5, 1964 to May 7, 1975; ~~and~~ the Persian Gulf War, August 7, 1990 to April 11, 1991.

Sec. 9. 37-B MRSA §505, sub-§1, ¶A, as amended by PL 1989, c. 502, Pt. A, §140, is further amended by amending subparagraph (2) to read:

(2) "Federally recognized period of conflict" means World War I, April 6, 1917 to November 11, 1918, or to March 31, 1920, if service was in Russia; World War II, December 7, 1941 to December 31, 1946; Korean Conflict, June 27, 1950 to January 31, 1955 ~~and~~ the Vietnam War, August 5, 1964 to May 7, 1975; ~~and~~ the Persian Gulf War, August 7, 1990 to April 11, 1991.

Sec. 10. 37-B MRSA §601, as amended by PL 1991, c. 702, §1, is further amended to read:

§601. Home established; purpose

There must be public homes for veterans in Maine known as "Maine Veterans' Homes." In addition to the presently existing home located in Augusta, a 120-bed home located in southern Maine, a home, not to exceed 60 beds, located in Aroostook County, a home located in eastern Maine not to exceed 120 beds and a home located in western Maine not to exceed 120 beds may be constructed if federal Veterans' Administration funds are available to meet part of the costs of each facility for construction or operation. ~~The board of trustees~~ Board of Trustees of the Maine Veterans' Homes shall plan and develop these additional homes and may use any funds available for those purposes, except for the Augusta facility's funded depreciation account. The primary purpose of the homes is to provide support and care for honorably discharged veterans who served in the United States Armed Forces during wartime, including the Korean Conflict ~~and~~ the Vietnam War ~~and~~ the Persian Gulf War.

See title page for effective date.

CHAPTER 428

S.P. 98 - L.D. 251

An Act to Abolish the Board of Licensure of Railroad Personnel

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

Sec. 1. 5 MRSA §12004-A, sub-§45, as repealed and replaced by PL 1989, c. 878, Pt. A, §15, is repealed.

Sec. 2. 10 MRSA §8001, sub-§34, as repealed and replaced by PL 1991, c. 548, Pt. B, §1, is repealed.

Sec. 3. 26 MRSA §681, sub-§9, as enacted by PL 1989, c. 832, §3, is repealed.

Sec. 4. 32 MRSA c. 60, as amended, is repealed.

Sec. 5. Refunding of fees. All fees paid by an individual in connection with the examination and licensing of railroad personnel by the Board of Licensure of Railroad Personnel must be refunded upon application by that individual to the Treasurer of State.

Payment is payable from the State Treasury and chargeable to the Department of Professional and Financial Regulation.

Sec. 6. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1993-94

**PROFESSIONAL AND FINANCIAL
REGULATION, DEPARTMENT OF****Board of Licensure of
Railroad Personnel**

All Other \$34,600

Provides funds to repay all fees
paid to the Board of Licensure
of Railroad Personnel.

See title page for effective date.

CHAPTER 429**H.P. 704 - L.D. 956****An Act to Clarify the Laws Related to State Tax
Increment Financing**

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

**Sec. 1. 30-A MRSA §5252, sub-§§1-C, 1-D,
2-B, 5-A, 6-A and 8-B** are enacted to read:

1-C. Affiliated business. "Affiliated business"
means 2 businesses exhibiting either of the following re-
lationships:

A. One business owns 50% or more of the stock
of the other business or owns a controlling interest
in the other; or

B. Fifty percent of the stock or a controlling inter-
est is directly or indirectly owned by a common
owner or owners.

1-D. Affiliated group. "Affiliated group" means
a designated business and its corresponding affiliated busi-
nesses.

2-B. Committee. "Committee" means the Reve-
nue Forecasting Committee consisting of the State Bud-
get Officer, State Planning Officer, State Tax Assessor,
Director of the Office of Fiscal and Program Review and
a university economist appointed by the Governor.

5-A. Gross state tax increment. "Gross state tax
increment" means the difference, if any, between the sales
and income tax revenues attributable to the state tax
increment financing district for the current period and
the sales and income tax revenues attributable to the
state tax increment financing district for the base period.

6-A. Market area. "Market area" means a geo-
graphic region that will be impacted by the operation of

a state tax increment financing district exclusive of the
district.

8-B. State tax increment. "State tax increment"
means the net annual gain, if any, in sales tax paid as a
result of taxable events occurring within the state tax
increment financing district and the net annual gain, if
any, in state income taxes withheld as a result of wages
paid for labor performed within the district.

Sec. 2. 30-A MRSA §5254-A, sub-§1-A, ¶C,
as enacted by PL 1991, c. 856, §5, is amended to read:

C. Prior to approval of the proposed state tax
increment financing district, the ~~Commissioner of
Administrative and Financial Services~~ committee
shall estimate the annual amount to be deposited
in the state tax increment contingent account for
all existing state tax increment financing districts,
including the proposed district, and that estimate
~~must~~ may be used only in determining compliance
with the limitations imposed under subsection 4,
paragraphs D and E. The committee shall project
for 2 calendar years immediately subsequent to re-
tail activity commencing in a state tax increment
financing district the level of income and sales tax
collections for a market area assuming the absence
of the state tax increment financing district. After
the initial projection, the committee must every 2
years project the level of income and sales tax col-
lections for a market area assuming the absence of
the state tax increment financing district. The com-
mittee shall determine a market area and every 2
years update that determination as retail activity
develops in the state tax increment financing dis-
trict and market area.

Sec. 3. 30-A MRSA §5254-A, sub-§2, ¶A, as
enacted by PL 1991, c. 856, §5, is amended to read:

A. On or before April 15th of each year, desig-
nated businesses located within a state tax incre-
ment financing district shall report the amount of
sales tax paid in connection with operations within
the district, the number of employees, the state
income taxes withheld for the immediately preced-
ing calendar year and any further information the
~~State Tax Assessor~~ committee may reasonably re-
quire.

On or before June 30th of each year, the ~~State Tax
Assessor~~ committee shall determine, based on a
comparison of the current reports and the base-
period reports contained in the application to the
~~Commissioner of Economic and Community De-
velopment~~ for approval of a state tax increment
financing district, the net annual gain in sales tax
paid in connection with operations within the dis-
trict and the state income taxes withheld the state
tax increment of a district for the preceding calen-