

# 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

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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.

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J.S. McCarthy Company  
Augusta, Maine  
1993

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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**

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dar year. The net annual gain is referred to as the state tax increment.

**Sec. 4. 30-A MRSA §5254-A, sub-§2-A,** as enacted by PL 1991, c. 856, §5, is repealed and the following enacted in its place:

**2-A. Calculation of state tax increment.** The committee shall calculate a state tax increment for a particular district by:

A. Determining the gross state tax increment as applicable to the particular district;

B. Determining the state tax increment as applicable to the particular district by removing from the gross state tax increment the following:

(1) Revenues attributed to business activity shifted from affiliated businesses to the state tax increment financing district. This adjustment is calculated by comparing the current year's sales and income tax revenues for each designated business that is a member of an affiliated group with revenues for the group as a whole. If the growth in sales and income tax revenue for the entire group exceeds the growth of sales and income tax revenue generated by the designated business, the gross state tax increment does not have to be adjusted to remove business activity shifted from affiliated businesses. If the growth in sales and income tax revenue for the affiliated group is less than the growth in sales and income tax revenue for the designated business, the difference is presumed to have been shifted from affiliated businesses to the designated business and the gross state tax increment for the district is reduced by the difference;

(2) Revenues attributed to retail spending shifts. Actual sales tax collections within the market area during the current year must be compared to the committee's projected level of sales tax collections within the market area for the current year assuming the absence of the state tax increment financing district. If actual sales tax collections within the market area are less than projected sales tax collections within the market area, the difference is presumed to be shifts in retail spending and the total sales tax collection within the state tax increment financing district is reduced by the difference; and

(3) Revenues attributed to normal growth. This adjustment is calculated by subtracting from the gross state tax increment a figure obtained by multiplying the previous year's

total amount of sales taxes reported and income taxes withheld by designated businesses within the district by the percentage change in sales tax receipts and withholding taxes for all businesses within the State as a whole;

C. Offsetting designated businesses with negative tax increments with those with positive increments in determining the state tax increment for the district as a whole; and

D. Excluding all income tax revenue in calculating the state tax increment attributable to retail business operations.

**Sec. 5. 30-A MRSA §5254-A, sub-§4, ¶G,** as enacted by PL 1991, c. 856, §5, is amended to read:

G. State tax increment revenues received by a municipality pursuant to subsection 2 may not be used by the municipality to cover offset up to 1/2 of existing tax increment financing obligations arising under section 5254.

See title page for effective date.

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## CHAPTER 430

### H.P. 399 - L.D. 512

#### An Act to Centralize Further the Permitting Process for Retail Businesses and to Allow Some Municipalities to Act as Central Permitting Agents

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

**Sec. 1. 5 MRSA §13063, sub-§§5 to 7** are enacted to read:

**5. Retail business permitting program.** By July 1, 1994, the director shall establish and administer a central permitting program for all permits required by retail businesses selling directly to the final consumer, except permits issued by the Department of Environmental Protection, the Department of Marine Resources and the Maine Land Use Regulation Commission. Agencies and permits referred to in subsections 5 to 7 do not include these excepted agencies or permits issued by them. The director shall:

A. Create a consolidated permit procedure that allows each business to check on a cover sheet all state permits for which it is applying and to receive all permit applications from a centralized office;

B. Total all permit fees due from a business, collect those fees on a semiannual basis, with 1/2 of

the total fees due by January 1st and 1/2 of the total fees due by July 1st, and distribute the fees to the appropriate funds or permitting entities;

C. Forward a copy of the appropriate permit application to any commission, department, municipality or other agency that has responsibility for permitting that retail business;

D. Develop a tracking system to track permits issued by state agencies. This system must at a minimum include information on the applicant, agency involvement, time elapsed or expended on the permit and action taken;

E. Coordinate and supervise the permitting process to ensure that all involved state agencies process the applications and complete any necessary inspections in a timely fashion; and

F. Respond to inquiries from the business community and requests for information from the individual permitting entities, including reports on the status of an application.

A retail business is not required to participate in the retail business permitting program.

**6. Municipal permitting agents.** By January 1, 1995, the director shall establish a municipal centralized permitting program.

A. Upon application by the municipal officers of a municipality and upon evidence that the municipality meets all qualifications as determined by departmental rulemaking, the director shall appoint the municipality as a centralized permitting agent to provide all permits for retail businesses. Upon evidence that a municipality qualified to provide permits meets the qualifications for conducting the inspection associated with any of those permits as determined by departmental rulemaking, the director shall appoint that municipality as an agent to provide that inspection for retail businesses with less than 10,000 square feet of retail space. Retail businesses shall pay the municipality an additional fee of \$4 for each permit included in the consolidated application up to a limit of \$40. Municipalities may retain 1/2 of all fees collected for permits requiring inspection. The remaining 1/2 of those permit fees and all fees for permits not requiring inspection must be remitted to the department, which shall remit the fees to the issuing agency. A municipality with less than 4,000 population may contract with an appointed municipality for centralized permitting and inspection services. A retailer is not required to participate in the municipal central permitting program.

B. The director shall make permitting and inspection training programs available to a municipality seeking appointment or appointed as a central permitting agent. The municipality shall pay a fee of \$25 for each person receiving permitting training and \$100 for each person receiving inspection training.

C. A business that seeks to determine why it has not received its permits must be directed to the municipal office where the application was filed. That office shall bring the matter to the attention of the department, which shall contact the appropriate issuing agency.

D. A joint standing committee of the Legislature that recommends legislation that involves a new permit for retail businesses shall indicate in the legislation whether the permit is to be included in the municipal centralized permitting program.

During a review under Title 3, chapter 33 of a permit issuing agency, the joint standing committee having responsibility for the review shall recommend whether any of the permits issued by that agency should be included in the municipal centralized permitting program.

The director may extend by rulemaking, but may not curtail, the department's centralized permitting program or the municipal centralized permitting program, except that the programs may not be extended to include additional issuing agencies.

**7. Goal and evaluation.** It is the goal of the programs established in subsections 5 and 6 for retail businesses to obtain permits more quickly at no additional cost to the taxpayers of the State. The director shall devise and implement a program of data collection and analysis that allows a determination as to whether these goals have been met. This program must include the collection of benchmark data before the initiation of the programs and an enumeration of the number of municipalities participating in the program. In analyzing costs, the director shall amortize the costs of computers or computer programs necessary for the program. By January 1, 1994 and every 2 years after that date, the director shall prepare and submit a report to the joint standing committee of the Legislature having jurisdiction over economic development matters based on this data and a recommendation as to why the retail business program and the municipal centralized permitting program should not be expanded to other sizes or types of businesses, to other issuing agencies and to smaller municipalities. The first report must contain an assessment of the levels of willingness of municipalities to participate in the programs established by this section.

See title page for effective date.

**CHAPTER 431****H.P. 43 - L.D. 59****An Act to Change the Manner in Which Debt Service on Jail Facility Bonds Is Repaid to Counties****Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 34-A MRSA §1210, sub-§5, ¶D**, as amended by PL 1987, c. 335, §1, is further amended to read:

D. Capital expenditures Annual debt services on jail facility bonds to the extent that ~~it reflects they reflect~~ the actual increase in jail population resulting from net gain of prisoners under Title 17-A, section 1203, subsection 1 and Title 17-A, section 1252, subsection 1, ~~as amended:~~

- (1) Equipment:
  - (a) Furniture and fixtures; and
- (2) Buildings; ~~and~~

**Sec. 2. 34-A MRSA §1210, sub-§5, ¶E**, as enacted by PL 1987, c. 335, §2, is amended to read:

E. Capital expenditures, replacement:

- (1) Equipment:
  - (a) Furniture and fixtures; and
  - (b) Vehicles; ~~and~~

**Sec. 3. 34-A MRSA §1210, sub-§5, ¶F** is enacted to read:

F. Revenues.

See title page for effective date.

**CHAPTER 432****H.P. 48 - L.D. 64****An Act to Establish Minimum Sentence Enhancements for Repeated Convictions for Gross Sexual Assault****Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 17-A MRSA §253, sub-§6** is enacted to read:

6. In using a sentencing alternative involving a term of imprisonment for any natural person convicted of violating this section, a court shall, in determining the maximum period of incarceration as the 2nd step in the sentencing process, treat each prior Maine conviction for a violation of this section as an aggravating sentencing factor.

A. When the sentencing class for a prior conviction under this section is Class A, the court shall enhance the basic period of incarceration by a minimum of 4 years of imprisonment.

B. When the sentencing class for a prior conviction under this section is Class B, the court shall enhance the basic period of incarceration by a minimum of 2 years of imprisonment.

C. When the sentencing class for a prior conviction under this section is Class C, the court shall enhance the basic period of incarceration by a minimum of one year of imprisonment.

In arriving at the final sentence as the 3rd step in the sentencing process, the court may not suspend that portion of the maximum term of incarceration based on a prior conviction unless the court is of the opinion that exceptional circumstances justify that suspension in which event the court shall set forth in detail its reasons on the record.

See title page for effective date.

**CHAPTER 433****S.P. 229 - L.D. 700****An Act to Develop and Expand Markets for Recycled Materials****Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 36 MRSA §2526**, as corrected by RR 1991, c. 2, §134, is amended to read:

**§2526. Solid waste reduction investment tax credit**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Employing unit" has the same meaning as in Title 26, section 1043.

B. "Solid waste" has the same meaning as in Title 38, section 1303-C.

C. "Waste reduction, reuse or recycling equipment" means structures, machinery, equipment or