

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**

**January 5, 1994 to April 14, 1994**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 14, 1994**

**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**

development zone and the infrastructure improvement plan may be altered or amended by the municipality only in accordance with the requirements for adoption of municipal incentive development zones in this section.

**5. Duration of zones.** Municipal incentive development zones have a maximum duration of 10 years.

**§5284. Tax shifts**

The municipal assessor shall certify, as of the date of approval of the municipal incentive development zone, the assessed value of all commercial and industrial property located within the zone as of the date of approval of the zone by the Commissioner of Economic and Community Development. During the term of the zone, in making the annual determination of the equalized just value of the industrial and commercial property located within the municipal incentive development zone pursuant to Title 36, sections 208 and 305, there must be excluded from value the increase in equalized just value of all industrial and commercial property located within the zone over the original assessed value, except that the amount excluded under this section may not exceed the amount invested by a municipality in infrastructure improvements under an infrastructure improvement plan adopted pursuant to section 5283. The amount invested by a municipality in infrastructure improvements under an infrastructure improvement plan adopted pursuant to section 5283 must be determined as of the date the investment is completed.

**§5285. Agreements between municipalities**

Municipalities may jointly create municipal incentive development zones that encompass property located within the boundaries of the municipalities. The municipalities may enter into agreements with each other allocating the economic benefit resulting from the creation of the zones.

**§5286. Declaration of public purpose**

The actions required to assist the establishment of municipal incentive development zones, including implementation of the applicable infrastructure improvement plans, and the execution and financing of these plans, are a public purpose.

**Sec. 4. 36 MRSA §305, sub-§1**, as amended by PL 1989, c. 857, §74, is further amended to read:

**1. Just value.** Certify to the Secretary of State before the first day of February the equalized just value of all real and personal property in each municipality and unorganized place that is subject to taxation under the laws of this State, except that percentage of captured assessed value located within a

tax increment financing district that is used to finance that district's development plan; and the valuation amount by which the current assessed value of commercial and industrial property within a municipal incentive development zone, as determined in Title 30-A, section 5284, exceeds the assessed value of commercial and industrial property within the zone as of the date the zone is approved by the Commissioner of Economic and Community Development, known in this subsection as the "sheltered value," up to the amount invested by a municipality in infrastructure improvements under an infrastructure improvement plan adopted pursuant to section 5283. ~~Such~~ The equalized just value must be uniformly assessed in each municipality and unorganized place and be based on 100% of the current market value. It must separately show for each municipality and unorganized place the actual or estimated value of all real estate that is exempt from property taxation by law or is the captured value within a tax increment financing district that is used to finance that district's development plan, as reported on the municipal valuation return filed pursuant to section 383, or that is the sheltered value of a municipal incentive development zone. The valuation as filed remains in effect until the next valuation is filed and is the basis for the computation and apportionment of the state and county taxes;

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

Effective April 15, 1994.

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**CHAPTER 697**

**H.P. 1352 - L.D. 1818**

**An Act Regarding the Rights of Grandparents in Child Protection Proceedings**

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

**Sec. 1. 22 MRSA §4005-B** is enacted to read:

**§4005-B. Grandparent's right to standing and intervenor status in child protection proceedings**

**1. Definition.** For the purposes of this section, "grandparent" means the biological or adoptive parent of the child's biological or adoptive parent. "Grandparent" does not include the parent of a child's parent who consented to adoption or whose parental rights have been terminated.

**2. Petition.** A grandparent of a child may petition the court for standing and intervenor status in any child protection proceeding under this chapter. The standing and intervenor status is limited to that proceeding unless otherwise ordered by the court.

**3. Criteria.** The court shall grant standing and intervenor status when the court finds that the grandparent has an existing relationship or has made sufficient effort to establish a relationship with the child, that that status would be in the best interests of the child and that that status would also be consistent with the purposes of this chapter as set forth in section 4003.

**4. Request for placement.** In any proceeding when standing and intervenor status have been granted, the grandparent may request the court to order that the child be placed with the grandparent. In making a decision on the request, the court shall give the grandparents priority for consideration for placement if that placement is in the best interests of the child and consistent with the purposes listed in section 4003.

**5. Procedure if child in jeopardy.** Nothing in this section limits the department from removing the child from the grandparent's home if the child is in jeopardy.

See title page for effective date.

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## CHAPTER 698

S.P. 687 - L.D. 1873

### An Act to Facilitate Collection of Tolls on the Maine Turnpike

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

**Sec. 1. 23 MRSA §1973, sub-§3,** as enacted by PL 1981, c. 595, §3, is amended to read:

**3. Tolls.** Tolls, or the fixing of tolls, shall is not be considered rulemaking and shall is not be subject to supervision or regulation by any state commission, board or agency. Subject to subsection 4, the authority may fix and revise from time to time tolls for the use of the turnpike and the different parts or sections thereof of the turnpike, and charge and collect the tolls, and contract with any person, partnership, association or corporation desiring the use of any part thereof of the turnpike, including the right-of-way adjoining the paved portion. The tolls shall must be so fixed and adjusted as to provide a fund at least sufficient with other revenues of the turnpike, if any, to pay for each fiscal year:

A. The cost of maintaining, repairing and operating the turnpike, and providing and maintaining reasonable reserves therefor for those costs;

B. The bonds and the interest thereon on those bonds, and all sinking fund requirements, and other requirements provided by the resolution authorizing issuance of the bonds or by the trust indenture or loan or a security agreement as they shall those bonds, interest, sinking fund requirements and other requirements become due;

C. Those sums for the purpose of maintaining, constructing or reconstructing access roads or portions thereof as shall of access roads that have been requested by the department and as in the sole discretion of the authority are from time to time determined in subsection 4, to warrant the expenditure to of turnpike revenues; and

D. The cost of maintaining, constructing or reconstructing interchanges.

The authority may use any method for assessing and collecting tolls, including but not limited to toll tickets, barrier toll facilities, billing accounts, commuter passes and electronic recording or identification devices. The display of a recording or identification device issued or authorized by the authority for these purposes on or near the windshield of a motor vehicle is not a violation of a law or rule, including but not limited to Title 29, sections 1369, 1369-A and 1370, unless the device is attached in a way that obstructs the driver's clear view of the highway or an intersecting highway.

**Sec. 2. 23 MRSA §1980, sub-§§2-A and 2-B** are enacted to read:

**2-A. Toll violations.** The registered owner's liability for toll violations is as follows.

A. If an operator of a vehicle fails to pay a toll, the registered owner of that vehicle is liable for payment of the toll. If the registered owner fails to pay the toll, the registered owner is subject to a civil penalty as follows:

(1) Fifty dollars, except as provided in subparagraph (2) or (3);

(2) One hundred dollars, if a failure to pay occurs within 18 months of a prior failure to pay; or

(3) One hundred fifty dollars, if a failure to pay occurs within 18 months of 2 or more prior failures to pay.