

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

RESOLVES
OF THE
STATE OF MAINE
AS PASSED AT THE
FIRST REGULAR SESSION

of the

ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

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

Effective July 13, 1993.

CHAPTER 41

H.P. 513 - L.D. 671

Resolve, to Establish a Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals

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

Whereas, there is an urgent need to reform the current statutory procedures for local property tax abatement appeals; and

Whereas, the number and complexity of local property tax abatement appeals are likely to increase due to recent economic conditions; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted to the next legislative session; 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

Sec. 1. Commission established. Resolved: That the Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 9 members appointed jointly by the President of the Senate and the Speaker of the House of Representatives, at least 3 of whom must be Legislators and the balance of whom must be knowledgeable persons representing a broad spectrum of related interests, including, but not limited to, relevant state, county and municipal agencies and officials, the judiciary and the bar, and large and small property taxpayers; and be it further

Sec. 3. Appointments; meetings. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The Executive Director of the Legislative Council must be

notified by the appointing authorities once the selections have been made. The Chair of the Legislative Council shall call and convene the first meeting of the commission no later than 30 days after the appointment of all members has been completed. The commission shall select a chair from among its legislative members; and be it further

Sec. 4. Duties. Resolved: That the commission shall study and make recommendations to the Legislature concerning revision of the current statutory procedures for local property tax abatement appeals. The objective of this study is to develop a process for hearing and deciding appeals that is clear, comprehensive and efficient and that results in consistent, equitable and timely decisions. The commission shall consider and may propose reforms to, among other things, appeals procedures and the hierarchy of appellate forums.

In conducting the study, the commission may:

1. Hold public hearings;
2. Meet at such times and places as the commission determines necessary and hold informational sessions for discussions with knowledgeable persons;
3. Establish subcommittees or advisory committees;
4. Conduct, summarize and analyze the results of a literature search;
5. Conduct, tabulate and analyze the results of a survey of the public or affected persons and groups;
6. Procure and analyze relevant data;
7. Conduct legal research and prepare opinions on legal questions within the scope of the study; and
8. Determine and summarize the legislative actions or governmental programs undertaken in other jurisdictions related to issues within the scope of the study; and be it further

Sec. 5. Staff assistance. Resolved: That the Bureau of Taxation may provide staff assistance to the commission. Additional staff assistance, including assistance in preparing any recommended legislation, may be requested from the Legislative Council; and be it further

Sec. 6. Reimbursement. Resolved: That the members of the commission who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at commission hearings. All other members are entitled to expenses, as defined in the Maine Revised Statutes, Title 5, chapter 379, upon application to the Executive Director of the Legislative Council; and be it further

Sec. 7. Report. Resolved: That the commission shall submit its report, as approved by 2/3 of its members, together with any necessary implementing legislation, to the Second Regular Session of the 116th Legislature, the Joint Standing Committee on Taxation and the Joint Standing Committee on State and Local Government no later than November 1, 1993; and be it further

Sec. 8. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

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Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals

| | |
|-------------------|----------------|
| Personal Services | \$990 |
| All Other | 3,200 |
| TOTAL | \$4,190 |

Provides for the appropriation of funds to the Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals for the per diem and expenses of members and miscellaneous committee expenses.

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

Effective July 13, 1993.

CHAPTER 42

H.P. 572 - L.D. 777

Resolve, to Establish a Commission to Study Nonregulatory and Market Solutions to Environmental Issues

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

Whereas, the first meeting of the Commission to Study Nonregulatory and Market Solutions to Environmental Issues established in this resolve must convene no later than August 15, 1993, in order to complete its study and submit a report to the Second Regular Session of the 116th Legislature; 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

Sec. 1. Commission established. Resolved: That the Commission to Study Nonregulatory and Market Solutions to Environmental Issues is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 15 members:

1. Three members of the natural resource agencies of the State, appointed by the Governor; and
2. Twelve persons chosen from the following list, jointly appointed by the President of the Senate and the Speaker of the House of Representatives:
 - A. Three members representing private industry;
 - B. Three members representing environmental advocacy groups;
 - C. Three members of the academic community; and
 - D. Three members of the Legislature, at least one of whom must be a member of the minority party; and be it further

Sec. 3. Appointments; meetings. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The Executive Director of the Legislative Council must be notified by all appointing authorities once the selections have been made. When the appointment of all members has been completed, the Chair of the Legislative Council shall call and convene the first meeting of the commission no later than August 15, 1993. The commission shall select a chair from among its members; and be it further

Sec. 4. Duties. Resolved: That the commission shall review the State's environmental laws and rules and examine reasonable alternative regulatory mechanisms and nonregulatory strategies, including, but not limited to, market-based strategies, pollution prevention, economic incentives and nonregulatory approaches to environmental issues. The commission shall evaluate the findings of the study and make recommendations for alternative approaches to existing environmental law that provide a cost savings to the State and offer greater flexibility to the regulated community without compromising appropriate levels of environmental protection. In conducting the study, the commission may:

1. Meet at convenient times and locations;