

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

Whereas, it is financially desirable and feasible within existing financial resources for the Maine Technical College System, through a lease-purchase, to acquire ownership of appropriate buildings and equipment to allow establishment of York County Technical College in permanent facilities beginning in fiscal year 1997; and

Whereas, construction needs to begin on such buildings during fiscal year 1996 in order to allow completion of such buildings during fiscal year 1997; 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. Authorization of lease-purchase of buildings and equipment for York County Technical College. Resolved: That, in compliance with the Maine Revised Statutes, the Maine Technical College System is authorized to enter into financing arrangements to lease-purchase buildings and equipment to establish York County Technical College. The principal amount of the financing may not exceed \$6,895,000. The rate of interest is estimated to be 5.746% over a 20-year period, resulting in a total interest cost of approximately \$3,648,211, if the lease-purchase is carried to its entire term. The Maine Technical College System is authorized to encumber, mortgage or otherwise give security for the buildings and equipment that are the subject of the lease-purchase in order to allow consummation of the lease-purchase, and is authorized to transfer interests in real estate in order to provide for permanent access roads, utility easements and other requirements for constructing the college on an adequate site. No state funds beyond those already anticipated to be authorized by the Legislature for the annual operation of York County Technical College are required for the lease-purchase and payments of principal of and interest on the lease-purchase must be derived in the first instance from nonstate funds such as tuition revenues. Any lease-purchase effected pursuant to this authorization must state that the Maine Technical College System may discontinue the lease-purchase in the event that annual appropriations of state funds become necessary to pay off the lease-purchase and are discontinued by the Legislature.

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

Effective July 3, 1995.

CHAPTER 51

H.P. 858 - L.D. 1189

Resolve, to Create a Task Force on Tax Increment Financing

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

Whereas, state and municipal tax increment financing districts can contribute to creation and retention of jobs; and

Whereas, such districts should be consistent with and complement the State's strategic long-term economic development plan; and

Whereas, current tax increment financing laws do not contain uniform policies or guidelines to guide municipal legislative bodies in designating tax increment financing development districts; and

Whereas, current tax increment financing laws do not encourage intermunicipal agreements to assist Maine businesses seeking to relocate or expand within the State; 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. Task Force; establishment. Resolved: That the Task Force on Tax Increment Financing, referred to in this resolve as the "task force," is established; and be it further

Sec. 2. Membership. Resolved: That the task force consists of 13 members as follows:

1. Two members of the Senate, not more than one from any one political party, one of whom serves on the Joint Standing Committee on Taxation and one of whom serves on the Joint Standing Committee on Business and Economic Development, appointed by the President of the Senate;

2. Four members of the House of Representatives, not more than 2 from any one political party, 2 of whom serve on the Joint Standing Committee on Taxation and 2 of whom serve on the Joint Standing Committee on Business and Economic Development, appointed by the Speaker of the House of Representatives;

3. The Commissioner of Economic and Community Development or the commissioner's designee;

4. The State Tax Assessor or the assessor's designee;

5. The Director of the State Planning Office or the director's designee;

6. The President of the Maine Municipal Association or the president's designee;

7. One municipal official appointed by the President of the Maine Municipal Association;

8. The President of the Maine Chamber of Commerce and Industry or the president's designee; and

9. One representative of business appointed by the President of the Maine Chamber of Commerce and Industry; and be it further

Sec. 3. Appointments. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the chair of the Legislative Council shall call and convene the first meeting of the task force no later than August 15, 1995. The task force shall select a chair or cochairs from among its legislative members; and be it further

Sec. 4. Duties. Resolved: That the task force shall study:

1. The State's current municipal development and tax increment financing laws;

2. The experience of business and state and municipal governments in working with those laws;

3. Other related issues that the task force determines appropriate; and

4. Changing the State's municipal development district and tax increment financing laws to:

A. Provide additional policy guidelines and criteria for municipal legislative bodies' use in designating development districts pursuant to the Maine Revised Statutes, Title 30-A, sections 5253 and 5254;

B. Increase area and value limits on taxable property available for tax increment financing districts under the Maine Revised Statutes, Title 30-A, section 5253;

C. Expand application of state tax increment financing districts under the Maine Revised Statutes, Title 30-A, section 5254-A to new investments that retain and create jobs; and

D. Provide mechanisms by which multiple municipalities are able to establish a single municipal development district and utilize tax increment financing and state tax increment financing laws; and be it further

Sec. 5. Recommendations. Resolved: That the task force shall make recommendations to create or change any law, rule, regulation or ordinance necessary to ensure that the State's municipal development and tax increment financing laws maximize creation and retention of quality jobs and complement the State's long-term economic development plan; and be it further

Sec. 6. Hearings. Resolved: That the task force shall hold at least 1 public hearing to receive public input concerning tax increment financing; and be it further

Sec. 7. Staff assistance. Resolved: That the task force may request staffing assistance from the Legislative Council; and be it further

Sec. 8. Reimbursement. Resolved: That all members of the task force are entitled to reimbursement for travel and other necessary expenses upon application to the Legislative Council. The Executive Director of the Legislative Council shall administer the task force's budget; and be it further

Sec. 9. Report. Resolved: That the task force shall submit its reports with any accompanying legislation to the Second Regular Session of the 117th Legislature by December 15, 1995; and be it further

Sec. 10. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1995-96

LEGISLATURE

Task Force on Tax Increment Financing

All Other	\$3,000
Provides funds for the expenses of members and printing and public hearing expenses of the Task Force on Tax Increment Financing.	

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

Effective July 3, 1995.

CHAPTER 52

H.P. 956 - L.D. 1345

Resolve, to Require a Review of the Beverage Container Deposit Laws

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

Whereas, since the addition of many items to Maine's beverage container deposit laws in 1989, the Legislature each year considers many bills concerning the functioning of these laws; and

Whereas, it is felt to be desirable to take the time necessary to have a comprehensive review of these laws; and

Whereas, the issues to be considered are so numerous and controversial that it will not be possible to resolve them by the next regular session of the Legislature unless this review is authorized on an emergency basis; 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. Creation and charge. Resolved: That the Task Force to Review the Beverage Container Deposit Laws, referred to in this resolve as the "task force," is established. The task force is charged to review all aspects of the beverage container deposit laws and to report to the Legislature; and be it further

Sec. 2. Membership. Resolved: That the task force consists of 6 members as follows:

1. Two members of the Joint Standing Committee on Business and Economic Development and 2 members of the Joint Standing Committee on Natural Resources, chosen jointly by the President of the Senate and the Speaker of the House so that both houses of the Legislature are represented;

2. The Commissioner of Agriculture, Food and Rural Resources or the commissioner's designated representative; and

3. The Director of the State Planning Office or the director's designated representative.

All appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The Executive Director of the Legislative Council shall contact those authorities who have not made their appointments as of the required date; and be it further

Sec. 3. Convening. Resolved: That the Chair of the Legislative Council shall call the task force together for its first meeting no later than 15 days after adjournment of the First Regular Session of the 117th Legislature. If the first meeting is not called within the assigned time, the Governor shall call the first meeting for a date no later than 10 days after the initially required date. It is not necessary for all members to be appointed in order for the task force to meet. A quorum consists of a majority of those appointed; and be it further

Sec. 4. Chair. Resolved: That the senior appointed Legislator in legislative experience shall act as chair of the first meeting. The task force shall select a permanent chair from among the legislative members at the conclusion of the first meeting; and be it further

Sec. 5. Study subject. Resolved: That the task force shall study the beverage container deposit laws with the purpose of recommending to the Legislature how those laws might be amended to improve the program for all interested parties. In conducting its work, the task force shall study, but is not limited to, the following issues:

1. Changes in the minimum container deposit value;

2. The impact of the returnable container law on municipal solid waste and the corresponding costs of the returnable container laws;

3. The status of municipal recycling for materials currently covered by the returnable container laws;

4. The extent of fraudulent redemption and misredemption of beverage containers;

5. The need for additional licensure and regulation of redemption centers operating in the State;

6. Beverage container sorting and pickup requirements for redemption centers, distributors and 3rd-party agents; and