

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

All real estate within the State, all personal property of residents of the State and all personal property within the State of persons not residents of the State is subject to taxation on the first day of each April as provided; and the status of all taxpayers and of such taxable property ~~shall~~ must be fixed as of that date. Upon receipt of a declaration of value under section 4641-D reflecting a change of ownership in real property, the assessor may change the records of the municipality to reflect the identity of the new owner, if notice of tax liabilities is sent both to the new owner and to the owner of record as of the April 1st when the liability accrued. The taxable year ~~shall be~~ is from April 1st to April 1st. Notwithstanding this section, proration of taxes ~~shall~~ must be over the period specified in section 558.

See title page for effective date.

CHAPTER 217

H.P. 1197 - L.D. 1697

An Act to Encourage Employee Stock Ownership

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

Sec. 1. 10 MRSA §1026-O is enacted to read:

§1026-O. Employee stock ownership program

1. Insurance. In addition to its other powers under this chapter, the authority may maintain an employee stock ownership program under which the authority may insure up to 90% of payments with respect to loans made to assist employees seeking to purchase an interest in the business by which they are employed.

2. Reservation of insurance. The authority shall reserve \$1,000,000 of the amounts available pursuant to section 1032 for the insurance of loans to employees seeking to purchase an interest in the business by which they are employed.

Sec. 2. 10 MRSA §1032, sub-§6, as repealed and replaced by PL 1993, c. 680, Pt. A, §19, is amended to read:

6. Obligations outstanding. The authority may not have at any one time outstanding obligations to which this section is stated in any agreement of the authority to apply in principal amount exceeding \$150,000,000, less the amount of revenue obligation securities to which section 1053 is stated in the trust agreement or other document to apply. Amounts of revenue obligation securities that are not taken into

account pursuant to section 1053, subsection 6, may not be taken into account for purposes of determining the amount that may be outstanding under this section. Of the \$150,000,000, \$1,000,000 must be reserved for loans insured pursuant to section 1026-O. Notwithstanding the foregoing, the authority may additionally have outstanding at any one time up to \$3,500,000 of obligations relating to direct loans to students pursuing higher education.

See title page for effective date.

CHAPTER 218

H.P. 778 - L.D. 1066

An Act to Amend the Prehearing Settlement Process

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

Sec. 1. 22 MRSA §42, sub-§6 is enacted to read:

6. Preadministrative hearing settlement process. The department may adopt rules to establish a preadministrative hearing settlement process. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 219

S.P. 101 - L.D. 380

An Act to Clarify Maine's All-terrain Vehicle Laws and to Improve Competition between Maine's All-terrain Vehicle Industry and its Out-of-state Competitors

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

Sec. 1. 12 MRSA §7857, sub-§16, ¶D, as enacted by PL 1995, c. 455, §42, is repealed.

Sec. 2. 12 MRSA §7857, sub-§24, ¶G, as enacted by PL 1993, c. 438, §41, is amended to read:

G. Notwithstanding the provisions of subsection 16, a person may operate an ATV without a headlight; and taillight and brake light between the hours of sunrise and sunset, provided:

(1) The ATV has an engine size of 90 cubic centimeters or less; and

(2) ~~Has~~ The ATV has 4 or more wheels; and.

~~(3) The American National Standards for Four Wheel All Terrain Vehicles, Equipment, Configuration, and Performance Requirements proscribed equipping the vehicle at the time of manufacture with the lighting equipment specified in subsection 16, paragraphs A, B and C.~~

Sec. 3. 12 MRSA §7857, sub-§25, as enacted by PL 1995, c. 455, §43, is amended to read:

25. Prohibition on sales without lights. Except as provided in this subsection, a person may not sell or offer to sell a new ATV unless that ATV is equipped with a functioning headlight, a and taillight and brake light. This subsection does not apply to an ATV that:

A. Is a 2-wheel off-road motorcycle; ~~or~~

B. Was manufactured prior to 1991; or

C. Has an engine size of 90 cubic centimeters or less and has 4 or more wheels.

See title page for effective date.

CHAPTER 220

H.P. 223 - L.D. 287

An Act to Improve the Administration of Tax Increment Financing

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

Whereas, the provisions of the Maine Revised Statutes, Title 30-A, chapter 207 relating to municipal and state tax increment financing districts are of vital importance to the economic development of the State; and

Whereas, certain amendments and clarifications to Title 30-A, chapter 207 are necessary to effectuate the legislative intent; and

Whereas, unless this legislation is effective immediately, the effectiveness of these provisions as an incentive for economic development will be impaired to the detriment of the State and its people; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §5252, sub-§4, as amended by PL 1991, c. 431, §§1 and 2, is further amended to read:

4. Development program. "Development program" means a statement of means and objectives designed to provide new employment opportunities, retain existing employment, improve or broaden the tax base and improve the quality of life, the physical facilities and structures and or the quality of pedestrian and vehicular traffic control and transportation within the development district. The statement must include:

A. A financial plan;

B. A complete list of public facilities to be constructed;

C. The uses of private property within the district;

D. Plans for the relocation of persons displaced by the development activities;

E. The proposed regulations and facilities to improve transportation;

F. The environmental controls to be applied;

G. The proposed operation of the district after the planned capital improvements are completed; and

H. The duration of the program that must not exceed 30 years from the date of designation of the district.

Sec. 2. 30-A MRSA §5252, sub-§8, ¶A, as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

A. The term "project costs" does not include the cost of facilities, buildings, or portions of buildings, used predominantly for the general conduct of government or for public recreational purposes. These facilities and buildings include, but are not limited to, city halls and other headquarters of government where the governing body meets regularly, courthouses, jails, police stations and other State Government and local gov-