

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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
JUNE 26, 1997

FIRST SPECIAL SESSION
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

(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-

ernment office buildings, recreation centers, athletic fields and swimming pools.

Sec. 3. 30-A §5254, sub-§3, as amended by PL 1991, c. 856, §4, is further amended to read:

3. Development program fund; tax increment revenues. If a municipality has elected to retain all or a percentage of the retained captured assessed value under subsection 1, the municipality shall:

A. Establish a development program fund that consists of the following:

(1) A development sinking fund account that is pledged to and charged with the payment of the interest and principal as the interest and principal fall due and the necessary charges of paying interest and principal on any notes, bonds or other evidences of indebtedness that were issued to fund or refund the cost of the development program fund; and

(2) A project cost account that is pledged to and charged with the payment of project costs as outlined in the financial plan and are paid in a manner other than as described in subparagraph (1);

B. Annually set aside all tax increment revenues on retained captured assessed values and all state tax increment revenues payable to the municipality for public purposes and deposit all such revenues to the appropriate development program fund account in the following priority:

(1) To the development sinking fund account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual debt service on bonds and notes issued under section 5257 and the financial plan; and

(2) To the project cost account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual project costs to be paid from the account;

C. Be permitted to make transfers between development program fund accounts as required, provided that the transfers do not result in a balance in the development sinking fund account that is insufficient to cover the annual obligations of that account; and

D. Annually return to the municipal general fund any tax increment revenues remaining in the development sinking fund account in excess

of those estimated to be required to satisfy the obligations of the development sinking fund account after taking into account any transfers permitted by paragraph C. The municipality, at any time during the term of the district, by vote of the municipal officers, may return to the municipal general fund any tax increment revenues remaining in the project cost account in excess of those estimated to be required to satisfy the obligations of the development project cost account after taking into account any transfer permitted by paragraph C. In either case the corresponding amount of local valuation may not be included as part of the retained captured assessed value as specified by the municipality.

Notwithstanding the provisions of section 5253, subsection 1, paragraph F and any other provision of law, in the case of investments exceeding \$100,000,000 in shipyard facilities in districts authorized prior to June 30, 1999, revenues must be set aside and deposited by the municipality to the appropriate development program fund account and expended to satisfy the obligations of the accounts without the need for further action by the municipality by appropriation or otherwise. Unless otherwise provided by the municipality in connection with its approval of the district, tax increment revenues on all captured assessed value may not be taken into account for purposes of calculating any limitation on the municipality's annual expenditures or appropriations and the payment of tax increment revenues on captured assessed value is not subject to any limitation or restriction on the municipality's authority or power to enter into contracts with respect to making payments for a term equal to the term of the district.

Sec. 4. 30-A MRSA §5254-A, sub-§2, ¶A, as amended by PL 1993, c. 429, §3, is further amended to read:

A. On or before April 15th of each year, designated businesses located within a state tax increment financing district shall report the amount of sales tax paid in connection with operations within the district, the number of employees within the district, the state income taxes withheld from employees within the district for the immediately preceding calendar year and any further information the committee may reasonably require.

On or before June 30th of each year, the committee shall determine the state tax increment of a district for the preceding calendar year.

Sec. 5. 30-A MRSA §5254-A, sub-§3-A, ¶¶A and B, as enacted by PL 1991, c. 856, §5, are amended to read:

A. The amount of retained state tax increment revenues paid to a municipality may not exceed the amount of tax increment revenues generated by the municipality pursuant to section 5254, subsection 3 and ~~actually~~ required to satisfy the ~~estimated obligations of the~~ be deposited in a development ~~sinking~~ program fund account; and

B. All retained state tax increment revenues not ~~actually~~ required to satisfy the estimated obligations of the development ~~sinking~~ program fund account revert to the State.

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

Effective May 20, 1997.

CHAPTER 221

S.P. 352 - L.D. 1171

An Act to Better Inform Car Repair Customers

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

Sec. 1. 29-A MRSA §1805, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Flat rate. The notice must also contain the following if it applies:

"We also charge a flat rate for some repairs. Our service manager will explain what a flat rate is and show you how much it may cost you. A flat-rate charge may not match the time actually spent repairing your vehicle. PLEASE ASK US WHETHER WE WILL CHARGE YOU BY THE HOUR OR BY A FLAT RATE."

See title page for effective date.

CHAPTER 222

H.P. 388 - L.D. 533

An Act to Ensure Public Safety and Proper Allocation of Liability for Gas Pipelines

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

Sec. 1. 14 MRSA §165, sub-§§1 and 2, as enacted by PL 1995, c. 299, §1, are amended to read:

1. Liability without proof of negligence. A natural gas company or an intrastate or interstate natural gas pipeline company that stores, transports or distributes natural gas is liable for all acts and omissions of its servants and agents that cause death or injury to persons or damage to property resulting from explosions or fire caused by natural gas escaping from the natural gas storage, transportation or distribution system under its control or from explosions or fire caused by defects in the natural gas storage, transportation and distribution systems under its control.

2. Rebuttable presumption. When there is death or injury to persons or damage to property resulting from explosions or fire caused by escaping natural gas, there is a rebuttable presumption that the gas escaped because of a defect in a portion of the storage, transportation or distribution system under the company's control.

See title page for effective date.

CHAPTER 223

S.P. 402 - L.D. 1297

An Act Pertaining to Free Meals for Legislators during a Prayer Breakfast

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

Sec. 1. 17-A MRSA §602, sub-§2, ¶C, as amended by PL 1995, c. 33, §3, is repealed and the following enacted in its place:

C. "Pecuniary benefit" means any advantage in the form of money, property, commercial interest or anything else, the primary significance of which is economic gain; it does not include economic advantage applicable to the public generally, such as tax reduction or increased prosperity generally. "Pecuniary benefit" does not include the following:

- (i) A meal, if the meal is provided by industry or special interest organizations as part of an informational program presented to a group of public servants;
- (ii) A meal, if the meal is a prayer breakfast or a meal served during a meeting to establish a prayer breakfast; or