

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
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

investigate potential violations of antitrust laws within the electric utility industry. The position must be funded through June 30, 1999 from funds available within the commission.

Sec. B-9. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Part.

1997-98

PUBLIC UTILITIES COMMISSION

Regulatory Fund

All Other	\$86,433
Allocates funds to fund one Attorney position within the Department of the Attorney General to conduct a market power study and investigate potential violations of antitrust laws within the utilities industry.	

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

Effective June 10, 1997.

CHAPTER 448

H.P. 1341 - L.D. 1890

An Act to Revise the Salaries of Certain County Officers

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, it has become necessary to revise the salaries of certain county officers; and

Whereas, it is desired to have these revisions retroactive to January 1, 1996; 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 §2, sub-§1-B, ¶¶A and B, as repealed and replaced by PL 1995, c. 701, §1 and affected by §2, are repealed and the following enacted in their place:

	<u>1996</u>	<u>1997</u>
A. Androscoggin County:		
(1) Commissioners		
(a) Chair	\$6,536	\$6,536
(b) Members	5,595	5,595
(2) Treasurer	21,007	21,007
(3) Sheriff	30,955	33,455
(4) Judge of Probate	12,689	12,689
(5) Register of Probate	10,712	10,712
(6) Register of Deeds	27,495	27,495
B. Kennebec County:		
(1) Commissioners		
(a) Chair	\$7,587	\$7,587
(b) Members	7,154	7,154
(2) Treasurer	9,452	9,452
(3) Sheriff	37,701	39,000
(4) Judge of Probate	18,574	19,131
(5) Register of Probate	24,670	25,410
(6) Register of Deeds	25,818	26,593

Sec. 2. 30-A MRSA §2, sub-§1-B, ¶¶C and D, as repealed and replaced by PL 1995, c. 701, §1 and affected by §2, are repealed.

Sec. 3. Retroactivity. This Act applies retroactively to January 1, 1996.

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

Effective June 10, 1997.

CHAPTER 449

S.P. 641 - L.D. 1863

An Act to Encourage Major Investments in Shipbuilding Facilities and to Encourage the Preservation of Jobs

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

Sec. 1. 36 MRSA c. 919 is enacted to read:

CHAPTER 919

SHIPBUILDING FACILITY CREDIT

§6850. Purpose and intent

The Legislature finds that encouragement of major investments in shipbuilding facilities in this State and the preservation of substantial numbers of jobs are in the public interest and promote the general welfare of the people of the State. The Legislature further finds that the enactment of incentives as set forth in this chapter to promote major shipbuilding investments in the State and substantial job retention is necessary in order to ensure the long-term survival of the shipbuilding industry in this State, to preserve numerous opportunities for jobs for the people of the State, to make this State more competitive in the shipbuilding industry and thus to ensure the preservation and betterment of the economy of the State for the benefit of its people. The Legislature further finds that the foregoing benefits to the State and its people far exceed the costs to the State of providing the incentives set forth in this chapter. The Legislature further finds that the provisions of this chapter are necessary to accomplish these objectives.

The Legislature recognizes that the incentives offered by the State pursuant to this chapter are intended to induce major investments in shipbuilding facilities and that any party who accepts and reasonably relies upon these inducements in making qualified investments is entitled to the full realization of these incentives without impairment by subsequent changes in law. The Legislature recognizes that when determining whether a project is financially feasible, an investing party must rely in good faith upon the Legislature to assure that the promised incentives of this law will be available for a period of up to 20 years and that a party's confidence in the full realization of

these benefits is a critical factor in inducing it to make the desired investment. It is the intent of this Legislature that all successor Legislatures honor the commitments held out by this chapter.

§6851. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Certified applicant. "Certified applicant" means a qualified applicant that has received a certificate of approval from the commissioner pursuant to this chapter and does not participate in the Employment Tax Increment Financing Program established in section 6752 while receiving this credit.

2. Commissioner. "Commissioner" means the Commissioner of Economic and Community Development.

3. Employment. "Employment" means, for each calendar year, the amount determined by adding the total number of qualified employees of a certified applicant on each of 6 consecutive measurement days of that calendar year as chosen by the certified applicant and then dividing that sum by 6.

4. Exception year. "Exception year" means the first calendar year in which a certified applicant has employment of less than 5,000 if the total Maine income taxes deducted and withheld by the certified applicant from qualified employees for that year totals at least \$6,000,000. Beginning January 1, 2003, "exception year" means the first calendar year in which a certified applicant has employment of less than 3,500 if the total Maine income taxes deducted and withheld by the certified applicant from qualified employees for that year totals at least \$6,000,000. A certified applicant is allowed 2 exception years between January 1, 1999 and December 31, 2018.

5. Facility. "Facility" includes real estate, tangible personal property, fixtures, machinery and equipment.

6. Measurement day. "Measurement day" means the last business day of every other month of any calendar year.

7. Qualified applicant. "Qualified applicant" means an applicant for benefits under this chapter that satisfies each of the following tests.

A. The applicant owns or operates or proposes to construct a shipbuilding facility within the State.

B. The applicant proposes to make a qualified investment.