

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

C. The Commissioner of Environmental Protection and the Director of the ~~Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas shall serve as technical advisors to the board.

See title page for effective date.

CHAPTER 557

S.P. 900 - L.D. 2350

An Act to Clarify the Laws Governing Solid Waste Disposal Districts

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

Sec. 1. 38 MRSA §1724, sub-§1, as amended by PL 1993, c. 597, §1, is further amended to read:

1. Authorization. All of the affairs of a disposal district must be managed by an appointed board of directors that consists of not less than 3 directors. The exact number of directors must be determined in accordance with section 1721. Each director is entitled to the number of votes that corresponds to the level of population in that director's municipality as set forth in the following table, unless an alternative method of apportioning votes is approved by a majority vote of the municipal officers representing each member of the disposal district prior to or at the time of formation.

Population	No. of Votes
0 - 1,000	1
1,001 - 2,500	2
2,501 - 5,000	3
5,001 - 10,000	4
10,001 - 15,000	5
15,001 - 25,000	6
25,001 - 35,000	7
35,001 - 50,000	8
50,001 - 65,000	9
65,001 and over	10

A director may not split votes. In the event a municipality has more than one director, directors from that municipality shall share equally the number of votes

for that municipality but may vote independently of each other. A determination of population must be made based upon the latest official Decennial Census of the United States by the United States Bureau of Census. A disposal district may alter the number of its directors by submitting the proposed alteration to the voters in the same manner as provided in section 1721, subsection 7. No municipality within any disposal district may have less than one director. A quorum of the directors may conduct the affairs of the district even if there is a vacancy on the board of directors. A quorum is defined as a simple majority of eligible and appointed directors, provided that a majority of the member municipalities are represented. A simple majority of directors voting, either in person or by written consent, may conduct the affairs of the district.

See title page for effective date.

CHAPTER 558

S.P. 891 - L.D. 2310

An Act to Change the Name in the Statutes of a Native American Organization Able to Issue Hunting and Fishing Licenses

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

Whereas, the Central Maine Indian Association no longer exists; and

Whereas, until "Wesget-Suppo" is recognized in the statutes as the organization authorized to issue fishing, trapping and hunting licenses, Native Americans will be unfairly denied benefits under the inland and fisheries laws; 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. 12 MRSA §7076, sub-§9, ¶A, as amended by PL 1985, c. 304, §8, is further amended to read:

A. The commissioner shall issue a hunting, trapping and fishing license to any Indian, 10 years of age or older, of the Passamaquoddy, Penobscot, Maliseet or Micmac Tribes without any charge or fee, providing the Indian presents a

certificate from the respective reservation governor, the Aroostook Micmac Council or ~~the Central Maine Indian Association "Wesget-Suppo"~~ stating that the person described is an Indian and a member of that tribe. Holders of these licenses ~~shall be~~ are subject to chapters 701 to 721.

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

Effective March 15, 2000.

CHAPTER 559

S.P. 941 - L.D. 2391

An Act to Simplify the Approval Process of Existing State Tax Increment Financing Districts

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

Sec. 1. 30-A MRSA §5254-A, sub-§1-A, ¶C, as amended by PL 1993, c. 429, §2, is further amended to read:

C. Prior to approval of the proposed state tax increment financing district, the committee shall estimate the annual amount to be deposited in the state tax increment contingent account for all existing state tax increment financing districts, including the proposed district, and that estimate may be used only in determining compliance with the limitations imposed under subsection 4, paragraphs D and E. ~~The committee shall project for 2 calendar years immediately subsequent to retail activity commencing in a state tax increment financing district the level of income and sales tax collections for a market area assuming the absence of the state tax increment financing district. After the initial projection, the committee must every 2 years project the level of income and sales tax collections for a market area assuming the absence of the state tax increment financing district. The committee shall determine a market area and every 2 years update that determination as retail activity develops in the state tax increment financing district and market area.~~

Sec. 2. 30-A MRSA §5254-A, sub-§2, ¶A, as amended by PL 1997, c. 220, §4, 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~~ State Tax Assessor may reasonably require.

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

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

2-A. Calculation of state tax increment. The ~~committee~~ State Tax Assessor shall calculate a state tax increment for a particular district by:

A. Determining the gross state tax increment as applicable to the particular district;

B. Determining the state tax increment as applicable to the particular district by removing from the gross state tax increment the following:

(1) Revenues attributed to business activity shifted from affiliated businesses to the state tax increment financing district. This adjustment is calculated by comparing the current year's sales and income tax revenues for each designated business that is a member of an affiliated group with revenues for the group as a whole. If the growth in sales and income tax revenue for the entire group exceeds the growth of sales and income tax revenue generated by the designated business, the gross state tax increment does not have to be adjusted to remove business activity shifted from affiliated businesses. If the growth in sales and income tax revenue for the affiliated group is less than the growth in sales and income tax revenue for the designated business, the difference is presumed to have been shifted from affiliated businesses to the designated business and the gross state tax increment for the district is reduced by the difference; and

~~(2) Revenues attributed to retail spending shifts. Actual sales tax collections within the market area during the current year must be compared to the committee's projected level of sales tax collections within the market area for the current year assuming the absence of the state tax increment financing district. If actual sales tax collections within the market area are less than~~