

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

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~~

~~projected sales tax collections within the market area, the difference is presumed to be shifts in retail spending and the total sales tax collection within the state tax increment financing district is reduced by the difference; and~~

(3) Revenues attributed to normal growth. This adjustment is calculated by subtracting from the gross state tax increment a figure obtained by multiplying the previous year's total amount of sales taxes reported and income taxes withheld by designated businesses within the district by the percentage change in sales tax receipts and withholding taxes for all businesses within the State as a whole;

C. Offsetting designated businesses with negative tax increments with those with positive increments in determining the state tax increment for the district as a whole; and

D. Excluding all income tax revenue in calculating the state tax increment attributable to retail business operations.

See title page for effective date.

CHAPTER 560

S.P. 865 - L.D. 2263

An Act to Regulate Nonprofit Debt Management Service Providers

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

Whereas, debt management and budget planning service providers may currently be soliciting business in this State in violation of Maine law; and

Whereas, the regulation of debt management service providers is needed for the protection of Maine consumers; and

Whereas, this Act permits only nonprofit debt management service providers to legally operate in this State for the further protection of Maine consumers; and

Whereas, this Act provides additional enforcement measures against for-profit debt management service providers; 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. 17 MRSA §701, as amended by PL 1971, c. 424, §8, is repealed and the following enacted in its place:

§701. Business prohibited

1. Budget planning prohibited. Except as provided in subsection 2, a person, firm, association or corporation may not engage in the business of budget planning on behalf of a consumer.

2. Exceptions. This chapter does not apply to:

A. A person admitted to the practice of law in this State as of the effective date of this section, except to the extent that budget planning or debt management services constitute the exclusive activity of that attorney;

B. A supervised financial organization as defined in Title 9-A, section 1-301, subsection 38-A;

C. A supervised lender as defined in Title 9-A, section 1-301, subsection 39; or

D. Any organization that is registered with the State as a debt management service provider under Title 32, chapter 80-A.

Sec. 2. 17 MRSA §702 is amended to read:

§702. Budget planning, defined

"Budget planning" means the making of a contract with a particular debtor, ~~whereby~~ when the debtor agrees to pay a certain amount periodically to the person engaged in the budget planning, who shall distribute the same to a certain specified creditor or among certain specified creditors in accordance with a plan agreed upon by the debtor.

Sec. 3. 32 MRSA c. 80-A is enacted to read:

CHAPTER 80-A

NONPROFIT DEBT MANAGEMENT SERVICES

§6171. Short title

This chapter may be known and cited as the "Nonprofit Debt Management Services Act."

§6172. Definitions