

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 TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

A person may not knowingly divulge or disclose records determined confidential by this subsection.

14. Audit process. Nothing in this section may be construed to limit the State Tax Assessor's authority to conduct an audit of any taxpayer included as a designated business in a development program pursuant to subsection 2, paragraph B. If distributions are made to a municipality with respect to a state tax increment financing district, the designated businesses within that district are subject to audit. When it is determined by the State Tax Assessor upon audit that a municipality has received a distribution larger than that to which it is entitled under this section, the overpayment must be applied against subsequent distributions. When there is not a subsequent distribution, the designated business or businesses to which overpayments were made are liable for the amount of the overpayments and may be assessed pursuant to Title 36.

§5243. Development program fund; state tax increment revenues

If a municipality has designated captured assessed value under section 5227, subsection 1, the municipality shall annually set aside 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. Development sinking fund account. To the development sinking fund account established pursuant to section 5227, subsection 3, 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 5231 and the financial plan; and

2. Project cost account. To the project cost account established pursuant to section 5227, subsection 3, 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.

§5244. Previously designated districts

Development districts and development programs designated before the effective date of this chapter remain in effect as authorized by law at the time of their designation and are governed by former chapter 207 as it existed immediately before its repeal except to the extent of any amendments to such development districts and development programs that are made in accordance with this chapter.

Sec. 2. 30-A MRSA c. 207, as amended, is repealed.

Sec. 3. 30-A MRSA §5301, sub-§§1 and 2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6, c. 9, §2 and c. 104, Pt. C, §§8 and 10, are further amended to read:

1. Administering authority. "Administering authority" means an urban renewal authority, municipal officers or any other persons or organizations empowered by the provisions of chapters 203, 205 and ~~207~~ 206 to implement an urban renewal plan, community development program or municipal development district plan.

2. Development plan. "Development plan" means an urban renewal plan, community development program or municipal development district plan as defined and described in chapters 203, 205 and ~~207~~ 206.

Sec. 4. 36 MRSA §6754, sub-§2, ¶D, as enacted by PL 1995, c. 669, §5, is amended to read:

D. A business may not claim reimbursement under this chapter for income withholding taxes attributed to employees employed within any state tax increment financing district approved under Title 30-A, chapter ~~207~~ 206.

See title page for effective date.

CHAPTER 670

H.P. 1447 - L.D. 1944

An Act to Restrict the Availability of Products with Excessive Levels of Arsenic

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

Whereas, rules authorized in this bill pertaining to the regulation of fertilizers containing deleterious or harmful substances must be in effect as soon as practicable; 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. 7 MRSA §743, first ¶, as amended by PL 1997, c. 454, §2, is further amended to read:

Each brand and grade of commercial fertilizer must be registered before being offered for sale, sold or distributed in this State. The application for registration must be submitted to the commissioner on forms furnished by the commissioner and must be accompanied by an annual fee of \$14 per plant food element guaranteed. All registrations expire on December 31st or in a manner consistent with the provisions as to license expiration of the Maine Administrative Procedure Act, Title 5, section 10002, whichever is later. The commissioner may issue a registration for a one-year, 2-year or 3-year period. Registrations for a period in excess of one year may only be issued with the agreement of or at the request of the applicant. The fee for a 2-year registration is 2 times the annual fee. The fee for a 3-year registration is 3 times the annual fee. The commissioner may ~~suspend, cancel or refuse to renew~~, refuse to register or renew or may suspend or cancel registration for failure to comply with this subchapter or with rules adopted pursuant to this subchapter. This refusal, suspension or cancellation is considered rule-making as that term is defined in the Maine Administrative Procedure Act, Title 5, chapter 375 and notice and opportunity for a hearing must be provided in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375. The application must include the following information:

Sec. 2. 7 MRSA §743, sub-§4 is amended to read:

4. Registrant's name and address. The name and address of the registrant; and

Sec. 3. 7 MRSA §743, sub-§5 is enacted to read:

5. Additional information. Additional information as required in rules adopted by the department.

Sec. 4. 7 MRSA §747, sub-§2 is amended to read:

2. Deleterious materials. If it contains any material in sufficient amount to be deleterious to growing plants or any deleterious or harmful substances in sufficient amount to render it injurious to beneficial plant life, animals, humans, aquatic life, soil or water; or

Sec. 5. Rules. The Commissioner of Agriculture, Food and Rural Resources shall adopt rules that list the additional information that may be required when registering fertilizers under the Maine Revised Statutes, Title 7, section 743, subsection 5 and that list the type and amount of substances that are considered deleterious under Title 7, section 747, subsection 2. In developing those rules, the commissioner shall review standards for metals in fertilizers proposed by the Association of American Plant Food Control Officials

and other applicable risk-based assessments of metals or other deleterious or harmful substances and shall seek input on those standards and assessments from the Director of the Bureau of Health in the Department of Human Services. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. Those rules must be adopted no later than 90 days after the effective date of this Act.

Sec. 6. Submission of rules for legislative review. The Commissioner of Agriculture, Food and Rural Resources shall submit 20 copies of the rules adopted under this Act to the joint standing committee of the Legislature having jurisdiction over agricultural matters no later than January 15, 2003. That committee shall review those rules in accordance with the provisions of the Maine Revised Statutes, Title 5, section 8072, subsections 4 and 5 and may report out legislation to the First Regular Session of the 121st Legislature on any matter pertaining to the information that may be requested by the Department of Agriculture, Food and Rural Resources when registering fertilizers or pertaining to adulterated commercial fertilizers.

Sec. 7. Application. Nothing in this Act may be construed to limit the authority of the Department of Environmental Protection to regulate the agronomic utilization of residuals under applicable provisions of the Maine Revised Statutes, Title 38 or under rules adopted by the Board of Environmental Protection regulating the agronomic utilization of residuals.

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

Effective April 11, 2002.

CHAPTER 671

H.P. 1406 - L.D. 1844

An Act to Amend the Motor Vehicle Laws

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

Sec. 1. 29-A MRSA §154-A is enacted to read:

§154-A. Suspension for failure to pay required fees or taxes

When a fee or use tax required to be collected by the Secretary of State is not paid when due, the Secretary of State may notify the person liable for the fee or tax in writing that, if the amount due is not paid within 10 days after the mailing of the notice,