

MAINE STATE LEGISLATURE

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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

CHAPTER 57

H.P. 1630 - L.D. 2132

An Act to Allow the Town of Lincoln to Adjust the Definition of Original Assessed Value for a Downtown Tax Increment Financing District

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

Whereas, the Town of Lincoln has suffered a disastrous fire resulting in the destruction of 25% of its downtown; and

Whereas, the Legislature has established a municipal tax increment financing program, the Maine Revised Statutes, Title 30-A, chapter 207, as a local economic development tool to permit municipalities to finance new development projects; and

Whereas, the Town of Lincoln desires to take immediate steps to prepare a tax increment financing proposal to redevelop its downtown; 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. Authorization to adjust the definition of original assessed value. Notwithstanding the Maine Revised Statutes, Title 30-A, chapter 207, the Town of Lincoln may define "original assessed value" for the tax increment financing district it designates between April 1, 2002 and March 31, 2003 as the assessed value of the district as of April 1st of the current tax year.

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

Effective March 21, 2002.

CHAPTER 58

S.P. 703 - L.D. 1905

An Act to Clarify the Status of Henderson Brook Bridge

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

Sec. 1. River crossing. Notwithstanding the Maine Revised Statutes, Title 12, section 1876, subsection 1, Henderson Brook Bridge may stand as a river crossing and may be repaired as necessary during the review by the Department of Conservation of the Allagash Wilderness Waterway Management Plan prepared by the Bureau of Parks and Lands within the Department of Conservation and printed in January of 1999. This review is required under the February 22, 2002 Memorandum of Agreement between the Department of Conservation and the National Park Service.

If the recommendations developed during the review advise and the department concludes that Henderson Brook Bridge should not remain in use, the department shall report its decision to the joint standing committee of the Legislature having jurisdiction over public lands a minimum of 6 months prior to taking any action to remove the bridge.

This Act applies only to Henderson Brook Bridge and does not affect the status of any other issue in the Allagash Wilderness Waterway.

See title page for effective date.

CHAPTER 59

S.P. 707 - L.D. 1909

An Act to Permit the Town of Atkinson to Deorganize

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

Sec. 1. Deorganization of Town of Atkinson. The Town of Atkinson in Piscataquis County is deorganized, except that the corporate existence, powers, duties and liabilities of the town survive for the purposes of prosecuting and defending all pending suits to which the town is, or may be, a party and all needful process arising out of any suits, including provisions for the payment of all or any judgments or debts that may be rendered against the town or exist in favor of any creditor.

Sec. 2. Unexpended school funds. The treasurer of the town or any other person who has custody of the funds of the town shall pay to the Treasurer of State all unexpended school funds that, together with the credits due the town for school purposes, are to be used by the State Tax Assessor to settle any school obligations contracted by the town before deorganization. Any unexpended school funds remaining with the Treasurer of State after all the

obligations have been met must be added to the Unorganized Territory Education and Services Fund, as established in the Maine Revised Statutes, Title 36, chapter 115.

Sec. 3. School debt. The town treasurer or the person who has custody of the town funds shall pay to School Administrative District No. 41 the town's share of the debt service. This amount must be paid within 30 days of the effective date of this section. School Administrative District No. 41 may retain any interest earned on this amount. Any remaining unexpended school funds, together with any credits due the town for school purposes, must be paid to the State Treasurer. These funds, if any, must be added to the Unorganized Territory Education and Services Fund.

Sec. 4. Withdrawal from School Administrative District No. 41. The Town of Atkinson is withdrawn from School Administrative District No. 41.

Sec. 5. Assessment of taxes. The State Tax Assessor shall assess the real and personal property taxes in the Town of Atkinson as of April 1, 2003, as provided in the Maine Revised Statutes, Title 36, chapter 115.

Sec. 6. Referendum; certificate to Secretary of State. This Act takes effect 90 days after its approval only for the purpose of permitting its submission by the municipal officers to the legal voters of the Town of Atkinson by ballot at the next general election to be held in November. This election must be called, advertised and conducted according to the Maine Revised Statutes, Title 30-A, sections 2528 and 2532. The town clerk shall prepare the required ballots on which the clerk shall reduce the subject matter of this Act to the following question:

"Do you favor the deorganization of the Town of Atkinson?"

The voters shall indicate their opinion on this question by a cross or check mark placed against the word "Yes" or "No." Before becoming effective, this Act must be approved by at least 2/3 of the legal voters voting at the special election, and the total number of votes cast for and against the acceptance of this Act at the election must equal or exceed 50% of the total number of votes cast in the town for Governor at the last gubernatorial election.

The municipal officers of the Town of Atkinson shall declare the result of the vote. The town clerk shall file a certificate of the election result with the Secretary of State within 10 days from the date of the election.

Sec. 7. Effective date. Sections 1 to 5 of this Act take effect on July 1, 2003 if deorganization is

approved by the voters of the Town of Atkinson pursuant to section 6 of this Act.

Effective July 1, 2003 pending referendum.

CHAPTER 60

H.P. 1526 - L.D. 2030

An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2003

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of the Maine State Retirement System will become due and payable before the 90-day period may terminate; 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. Allocation of funds. Administrative operating expenses of the Maine State Retirement System for the fiscal year ending June 30, 2003 must be paid from the retirement system's Expense Fund in accordance with the following schedule.

	2002-03
MAINE STATE RETIREMENT SYSTEM	
Personal Services	\$6,665,041
All Other	2,760,570
MAINE STATE RETIREMENT SYSTEM	
TOTAL ALLOCATIONS	\$9,425,611

Sec. 2. Attribution of costs. The expenses identified in section 1 are attributed as follows.

2002-03