

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2003

other information required by governmental accounting and financial reporting standards.

~~(a) A balance sheet;~~

~~(b) A statement of revenues and expenditures;~~

~~(c) A statement of budgeted revenues and expenditures versus actual revenues and expenditures; and~~

~~(d) All other financial statements required by governmental accounting and financial reporting standards.~~

See title page for effective date.

CHAPTER 179

S.P. 445 - L.D. 1357

An Act To Encourage Economic Development in Piscataquis County

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

Whereas, recent Dexter Shoe and Great Northern Paper, Inc. plant closings in the Town of Dexter, the Town of Millinocket and the Town of East Millinocket have resulted in the loss of more than 1,600 manufacturing jobs in Penobscot County and adjacent portions of Piscataquis County; and

Whereas, prior to the recent plant closings, the rate of unemployment in Piscataquis County exceeded the statewide unemployment rate; and

Whereas, there is a need to expand and diversify employment opportunities in Piscataquis County to mitigate the adverse economic effects of the Dexter Shoe and Great Northern Paper, Inc. plant closings; and

Whereas, the organized towns of Piscataquis County individually lack the tax base and financial resources to effectively encourage new economic development; and

Whereas, there is a need to encourage regional economic development efforts in Piscataquis County; 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 preserva-

tion 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 §125 is enacted to read:

§125. Economic development

1. Budget authority. Subject to the provisions of chapter 3, subchapter 1, article 6, the county commissioners of Piscataquis County may raise, appropriate, borrow and expend money for the purposes of county economic development, subject to the following provisions and limitations.

A. As used in this section, "county economic development" means assisting or encouraging the creation or preservation of new or existing employment opportunities for residents of Piscataquis County, or any of its municipalities or unorganized territories, through one or more of the following activities:

(1) Development of new sites for the physical location, settlement or resettlement of new or expanded manufacturing, fishing, commercial or other business enterprises to be located within the county, including payment of related costs for surveying, land acquisition, land use and environmental permitting, engineering, legal services and infrastructure development;

(2) Constructing or financing the development of new community industrial buildings, as defined in Title 5, section 13120-B, to be located within Piscataquis County;

(3) Redevelopment of existing structures located within the county for commercial, industrial or mixed use;

(4) Construction, financing or operating assistance to necessary publicly owned transportation facilities, including facilities for passenger and cargo transportation;

(5) Provision of local matching funds for any state or federal transportation project, community development grant or rural development grant to the county or any of its municipalities, intended to achieve purposes substantially similar to those listed in subparagraphs (1) to (4);

(6) Financial participation in any economic development project organized or funded on a regional basis by 2 or more political

subdivisions or state or federal agencies. For this purpose, the county commissioners may provide assistance to a regional project to be located in whole or in part outside of Piscataquis County only upon a finding by the commissioners that the project will confer a substantial economic benefit on Piscataquis County;

(7) Funding the annual salary and operating expenses of a county economic development officer, development agency or development office; and

(8) Necessary contractual services for any of the purposes stated in this paragraph.

B. All borrowing by the county commissioners for the purposes of this section is subject to the following limitations.

(1) All bonds issued by the county commissioners for the purposes of this section must be approved prior to issuance by the voters of Piscataquis County by referendum vote in accordance with section 938, except that a referendum for this purpose may be conducted at any regular or special county election at which the total number of votes cast for and against the proposed bond issue is equal to at least 50% of the total number of votes cast in Piscataquis County for all gubernatorial candidates in the most recent gubernatorial election.

(2) The aggregate unpaid principal amount of all bonds issued under this section may not exceed 2% of the most recent taxable valuation of Piscataquis County, as certified by the State Tax Assessor pursuant to Title 36, section 381, adjusted to 100%.

(3) Debt may not be incurred or bonds issued under this section if such debt or bonds, in combination with other county debt then outstanding, would cause Piscataquis County to exceed limitations on total county debt otherwise provided by law.

(4) All bonds issued under this section must be for capital project costs only and may not be used to fund the annual operating or program expenses of any agency, facility, program or office. The commissioners shall deposit the proceeds of any bond issued under this section to a capital project account for the project concerned, established in accordance with section 921. Bond proceeds deposited to a capital project account may only be used for purposes of financing or completing the

project concerned and for no other purposes. Any funds remaining in the capital project account upon completion or termination of the project concerned must be used by the commissioners to prepay any debt incurred by the county for that project. If the terms of a particular bond issued under this section prohibit prepayment of the bond, any funds remaining in the capital project account upon completion or termination of the project concerned may be transferred to another capital project account or used to retire other county debt.

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

Effective May 15, 2003.

CHAPTER 180

H.P. 1093 - L.D. 1496

An Act To Amend the Maine Juvenile Code

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

Sec. 1. 15 MRSA §1102, as amended by PL 2001, c. 667, Pt. A, §31, is repealed.

Sec. 2. 15 MRSA §3003, sub-§14-B, ¶B, as amended by PL 1999, c. 624, Pt. B, §2 and PL 2001, c. 439, Pt. G, §6, is further amended to read:

B. To provide appropriate services to juveniles committed to ~~the Long Creek Youth Development Center~~ a Department of Corrections juvenile correctional facility who are on leave or in the community on aftercare; and

Sec. 3. 15 MRSA §3203-A, sub-§4-A is enacted to read:

4-A. Probable cause determination. Except in a bona fide emergency or other extraordinary circumstance, when a juvenile arrested without a warrant for a juvenile crime or a violation of conditional release is not released from custody or does not receive a detention hearing within 48 hours after arrest, including Saturdays, Sundays and legal holidays, a Juvenile Court Judge or justice of the peace shall determine, within that time period, whether there is probable cause to believe that the juvenile has committed a juvenile crime. Evidence presented to establish such probable cause may include affidavits and other reliable hearsay evidence as permitted by the Juvenile Court Judge or justice of the peace. If the