

# 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**

**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**

~~C. To the 2nd birthday following the date of issue or for 120 days, whichever is longer, For 90 days on the 3rd offense.~~

~~A person whose juvenile provisional license is suspended may request a hearing pursuant to section 2483.~~

See title page for effective date.

---



---

## CHAPTER 287

S.P. 511 - L.D. 1523

### An Act To Change the Tax Laws as They Apply to Combat Troops

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

**Sec. 1. 36 MRSA §5116** is enacted to read:

**§5116. Tax waiver for combat casualty**

A taxpayer whose income tax liability is forgiven pursuant to Section 692 of the Code for any tax year is entitled to a waiver of state income tax for the same tax year, including any related interest and penalty, in the same manner in which the federal tax liability is forgiven. In the case of a joint return, the waiver is equal to the proportion of the tax on the joint return equal to the ratio of the deceased taxpayer's tax liability computed as if both taxpayers were filing separately to the sum of the deceased taxpayer's tax liability and the taxpayer's spouse's tax liability computed as if filing separately.

**Sec. 2. Application.** This Act applies to tax years beginning on or after January 1, 2003.

See title page for effective date.

---



---

## CHAPTER 288

S.P. 523 - L.D. 1554

### An Act Regarding Eligibility under the Municipal Investment Trust Fund

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

**Whereas,** funds from bond issuances will be available to the Municipal Investment Trust Fund in the coming months, and this Act will enable the fund to make grants and loans in a timely manner for critical downtown revitalization projects; 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. 30-A MRSA §5953-D, sub-§1-A,** as enacted by PL 1999, c. 776, §13, is amended to read:

**1-A. Application for downtown improvement grants and loans.** In addition to the other forms of financial assistance available under section 6006-D, an eligible municipality or group of municipalities may apply for a downtown improvement grant or loan from the fund, the proceeds of which must be used to acquire, design, plan, construct, enlarge, repair or protect downtown improvements.

The bank, in conjunction with the Department of Economic and Community Development, may prescribe an application form or procedure for an eligible municipality or group of municipalities to apply for a grant or a loan under this subsection. The application must include all information necessary for the purpose of implementing this section and section 6006-D.

**Sec. 2. 30-A MRSA §5953-D, sub-§3, ¶¶D and E,** as repealed and replaced by PL 2001, c. 667, Pt. A, §49, are amended to read:

D. In the case of a ~~public service infrastructure~~ grant or loan, the Department of Economic and Community Development affirms that the applicant has met the conditions of this paragraph.

(1) A municipality is eligible to receive a grant or a loan, or a combination of both, if that municipality has adopted a growth management program certified under section 4347-A that includes a capital improvement program composed of the following elements:

(a) An assessment of all public facilities and services, such as, but not limited to, roads and other transportation facilities, sewers, schools, parks and open space, fire and police;

(b) An annually reviewed 5-year plan for the replacement and expansion of existing public facilities or the construction of such new facilities as are required to meet expected growth and economic development. The plan must include projections of when and

where those facilities will be required; and

(c) An assessment of the anticipated costs for replacement, expansion or construction of public facilities, an identification of revenue sources available to meet these costs and recommendations for meeting costs required to implement the plan.

(2) A municipality is eligible to receive a loan if that municipality:

(a) Has adopted a comprehensive plan that is determined by the Executive Department, State Planning Office to be consistent with section 4326, subsections 1 to 4.

(3) A municipality is eligible to receive a grant or a loan if that municipality is a service center community.

Subject to the limitations of this subsection, 2 or more municipalities that each meet the requirements of subparagraph (1) ~~or~~ (2) or (3) may jointly apply for assistance under this section; and

E. In the case of a downtown improvement grant or loan, the Department of Economic and Community Development affirms that the applicant has met the conditions of this paragraph. A municipality is eligible to receive a downtown improvement grant or loan if that municipality has:

(1) Shown broad-based support for downtown revitalization;

(2) Established a comprehensive downtown revitalization work plan, including a definition and a map of the affected area;

(3) Developed measurable goals and objectives;

(4) Demonstrated an historic preservation ethic;

~~(5) Established an ongoing board of directors, with associated committees;~~

~~(6) Provided an adequate operating budget;~~

~~(7) Hired a professional downtown manager;~~

~~(8) Established an ongoing training program for staff and volunteers;~~

(9) Developed the capacity to report on the progress of the downtown program; and

(10) Established the ability and willingness to support integrated marketing efforts for retailers, services, activities and events.

**Sec. 3. 30-A MRSA §5953-D, sub-§4-A**, as enacted by PL 1999, c. 776, §13, is amended to read:

**4-A. Criteria; conditions for downtown improvement grants or loans.** The Department of Economic and Community Development, in conjunction with the bank, shall develop criteria and conditions for the award of downtown improvement grants or loans to eligible municipalities after consultation with the state agencies listed in subsection 5 and subject to the requirements of this section. The department shall establish a preference for municipalities that are regional service centers or urban compact municipalities or have adopted a comprehensive plan consistent with section 4326.

**Sec. 4. 30-A MRSA §6006-D, sub-§2, ¶¶B and C**, as corrected by RR 1993, c. 2, §31, are amended to read:

B. To guarantee or insure, directly or indirectly, the payment of notes or bonds issued or to be issued by a municipality for the purpose of financing the construction of any capital improvement described in section 5953-D, subsection 1 or 1-A;

C. To guarantee or insure, directly or indirectly, funds established by municipalities for the purpose of financing construction of any capital improvement described in section 5953-D, subsection 1 or 1-A;

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

Effective May 23, 2003.

---



---

**CHAPTER 289**

**H.P. 1184 - L.D. 1610**

**An Act To Codify the House  
Legislative Districts As Apportioned  
by Public Law 2003, chapter 44**

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

**Sec. 1. 21-A MRSA §1204-A** is enacted to read:

**§1204-A. State House districts**