

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION
July 29, 2005

SECOND REGULAR SESSION
January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 23, 2006

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

Penmor Lithographers
Lewiston, Maine
2006

Sec. 4. 36 MRSA §6652, sub-§1-B, as amended by PL 2005, c. 218, §61 and affected by §63, is further amended to read:

1-B. Certain property excluded. Notwithstanding any other provision of law, reimbursement pursuant to this chapter may not be made with respect to the following property:

A. Office furniture, including, without limitation, tables, chairs, desks, bookcases, filing cabinets and modular office partitions;

B. Lamps and lighting fixtures; and

C. Gambling machines or devices, including any device, machine, paraphernalia or equipment that is used or usable in the playing phases of any gambling activity as that term is defined in Title 8, section 1001, subsection 15, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. "Gambling machines or devices" includes, without limitation:

(1) Associated equipment as defined in Title 8, section 1001, subsection 2;

(2) Computer equipment used directly and primarily in the operation of a slot machine as defined in Title 8, section 1001, subsection 39;

(3) An electronic video machine as defined in Title 17, section 330, subsection 1-A;

(4) Equipment used in the playing phases of lottery schemes; and

(5) Repair and replacement parts of a gambling machine or device.

This subsection applies to property tax years beginning after April 1, 1996. Property affected by this subsection that was eligible for reimbursement pursuant to chapter 915 of property taxes paid for the 1996 property tax year is grandfathered into the program and continues to be eligible for reimbursements ~~for up to 12 property tax years~~, unless it subsequently becomes ineligible.

Sec. 5. 36 MRSA §6652, sub-§4 is enacted to read:

4. Reimbursement percentage. Reimbursements under this chapter are for the following percentage of taxes assessed and paid with respect to each item of eligible property.

A. For each of the first to 12th years for which reimbursement is made, the percentage is 100%.

B. Pursuant to section 699, subsection 2, reimbursement under this chapter after the 12th year for which reimbursement is made is according to the following percentages of taxes assessed and paid with respect to each item of eligible property.

(1) For the 13th year for which reimbursement is made, the percentage is 75%.

(2) For the 14th year for which reimbursement is made, the percentage is 70%.

(3) For the 15th year for which reimbursement is made, the percentage is 65%.

(4) For the 16th year for which reimbursement is made, the percentage is 60%.

(5) For the 17th year for which reimbursement is made, the percentage is 55%.

(6) For the 18th year for which reimbursement is made and for subsequent years, the percentage is 50%.

See title page for effective date.

CHAPTER 624

H.P. 1437 - L.D. 2039

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2006-07

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

Whereas, prompt determination and certification of the municipal cost components in the Unorganized Territory Tax District are necessary to the establishment of a mill rate and the levy of the Unorganized Territory Educational and Services Tax; 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. 36 MRSA §1611 is enacted to read:

§1611. Limitation on municipal cost component

1. Growth limitation. Except as otherwise provided in this section, the municipal cost component may not exceed the growth limitations established in subsection 2.

2. Calculation of growth limitations. The growth limitation factors are calculated as follows.

A. The growth limitation factor for the aggregate cost of the municipal cost components provided by the State is the same as the General Fund appropriation limitation factor calculated under Title 5, section 1534, subsection 2.

B. The growth limitation factor for the cost of the municipal cost components provided by a county may not exceed the municipal cost component assessment limit for that county. For purposes of this section, a municipal cost component assessment limit must be determined by the State Tax Assessor annually for the unorganized territory in each county using the criteria provided under Title 30-A, section 5721-A as if the unorganized territory for each county were a municipality.

3. Exceeding or increasing growth limitations. Growth limitations on the municipal cost component may be exceeded or increased as follows.

A. A governmental body with the authority to approve the county municipal cost component under Title 30-A, chapter 305 may exceed or increase the county growth limitation only if that action is approved by a majority of the county budget committee or county budget advisory committee and the county commissioners.

B. The Legislature may exceed or increase the municipal cost component growth limitation for a state component by including a provision in the municipal cost component legislation enacted pursuant to section 1604 that specifically states the intent of the Legislature to exceed or increase the growth limitation.

4. Application. This section applies to municipal cost component fiscal years beginning on or after July 1, 2007.

Sec. 2. Municipal cost components for services rendered. In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 2006-07 is as follows:

Audit - Fiscal Administration	\$118,207
Education	12,174,098

Forest Fire Protection	160,000
Human Services - General Assistance	72,250
Property Tax Assessment - Operations	739,706
Maine Land Use Regulation Commission - Operations	352,962

TOTAL STATE AGENCIES	\$13,617,223
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County Reimbursements for Services:

Aroostook	\$772,375
Franklin	625,146
Hancock	159,917
Kennebec	6,585
Oxford	428,846
Penobscot	773,520
Piscataquis	894,323
Somerset	815,936
Washington	691,723

TOTAL COUNTY SERVICES	\$5,168,371
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TOTAL REQUIREMENTS	\$18,785,594
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COMPUTATION OF ASSESSMENT

Requirements	\$18,785,594
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Less Deductions:

General -	
State Revenue Sharing	\$290,000
Homestead Reimbursement	100,000
Miscellaneous Revenues	50,000
Transfer from Undesignated	
Fund Balance	2,300,000

TOTAL	\$2,740,000
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Educational -	
Lands Reserve Trust	\$100,000
Tuition - Travel	250,000
Miscellaneous	5,000
Special - Teacher Retirement	200,000

TOTAL	\$555,000
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TOTAL DEDUCTIONS	(\$3,295,000)
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TAX ASSESSMENT	\$15,490,594
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Sec. 3. Review and recommendation. The Commission to Study the Cost of Providing Certain Services in the Unorganized Territories shall review growth limitations established by the portion of this

Act enacting the Maine Revised Statutes, Title 36, section 1611 and make recommendations for retaining, amending or repealing those limitations to the joint standing committee of the Legislature having jurisdiction over taxation matters as part of its reporting responsibilities under Resolve 2005, chapter 125. The commission also shall develop a new budget funding mechanism for the office of the fiscal administrator of the unorganized territory within the Department of Audit that promotes budget transparency and provides better fiscal accountability for inclusion in the municipal cost component for fiscal years beginning on or after July 1, 2007. The joint standing committee of the Legislature having jurisdiction over taxation matters may submit legislation related to the recommendations of the commission to the First Regular Session of the 123rd Legislature.

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

Effective May 4, 2006.

CHAPTER 625

H.P. 1475 - L.D. 2087

An Act To Implement Recommendations Concerning Temporary Guardian and Conservator Laws

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

Sec. 1. 18-A MRSA §5-310-A, sub-§(a), as enacted by PL 1993, c. 652, §3, is further amended to read:

(a) When a person alleged to be incapacitated has no guardian and an emergency exists and no other person appears to have authority to act in the circumstances, upon appropriate petition, the court may exercise the power of a guardian or may enter an ~~ex parte~~ order, ~~ex parte or otherwise~~, appointing a temporary guardian ~~to address the emergency in order to prevent serious, immediate and irreparable harm to the health or financial interests of the person alleged to be incapacitated.~~ A petition for temporary guardianship must be accompanied by an affidavit that sets forth the factual basis for the emergency and the specific powers requested by the proposed guardian. In the order and in the letters of temporary guardianship, the court shall specify the powers and duties of the temporary guardian, limiting the powers and duties to those necessary to address the emergency.

(1) Except as otherwise provided in this section, prior to filing a petition under this subsection the

petitioner shall provide notice orally or in writing to the following:

(i) The allegedly incapacitated person and the person's spouse, parents, adult children and any domestic partner known to the court;

(ii) Any person who is serving as guardian or conservator or who has care and custody of the allegedly incapacitated person; and

(iii) In case no other person is notified under subparagraph (i), at least one of the closest adult relatives of the allegedly incapacitated person or, if none, an adult friend, if any can be found.

(2) Notice under paragraph (1) must include the following information:

(i) The temporary authority that the petitioner is requesting;

(ii) The location and telephone number of the court in which the petition is being filed; and

(iii) The name of the petitioner and the intended date of filing.

(3) The petitioner shall state in the affidavit required under this subsection the date, time, location and method of providing the required notice under paragraph (1) and to whom the notice was provided. The court shall make a determination as to the adequacy of the method of providing notice and whether the petitioner complied with the notice requirements of this subsection. The requirements of section 5-309 do not apply to this section.

(4) Notice is not required under this subsection in the following circumstances:

(i) Giving notice will place the allegedly incapacitated person at substantial risk of abuse, neglect or exploitation;

(ii) Notice, if provided, would not be effective; or

(iii) Other good cause as determined by the court.

(5) If, prior to filing the petition, the petitioner did not provide notice as required under this subsection, the petitioner must state in the affidavit the reasons for not providing notice. If notice has not been provided, the court shall make a determination as to the sufficiency of the reason