

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2007**

(6) Financial participation in any county economic and community development project organized or funded on a regional basis by 2 or more political subdivisions or state or federal agencies participating counties. 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 that county only upon a finding by the commissioners that the project will confer a substantial economic benefit on Piscataquis County the county providing the assistance;

(7) Funding the annual salary and operating expenses of a county economic development officer, development agency or development office subject to approval by a majority vote of the county budget committee or county advisory budget committee; 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 by a majority vote of the county budget committee or county advisory budget committee. All bonds must be approved prior to issuance by the voters of Piscataquis County the 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 the 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 the 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~~ A county may not incur debt or issue bonds under this section if such debt or bonds, in combination with other county debt then outstanding, would cause Piscataquis County the 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 pro-

gram 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 only 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.

**Sec. 2. Funding.** The Legislature may provide funds to the Department of Economic and Community Development to provide support to the State's 16 counties subject to a 1:1 match.

See title page for effective date.

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**CHAPTER 322**

**H.P. 1083 - L.D. 1558**

**An Act To Improve the Process for Adjustment for Sudden and Severe Disruption of Valuation**

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

**Sec. 1. 5 MRSA §1532, sub-§7** is enacted to read:

**7. State valuation adjustments.** The State Controller shall transfer to general purpose aid for local schools within the Department of Education amounts certified by the Commissioner of Education to be necessary to make the payments required under Title 36, section 208-A.

**Sec. 2. 36 MRSA §208-A**, as amended by PL 2005, c. 332, §11, is repealed and the following enacted in its place:

**§208-A. Adjustment for sudden and severe disruption of valuation**

**1. Request for adjustment.** A municipality that has experienced a sudden and severe disruption in its municipal valuation may request an adjustment to the equalized valuation determined by the State Tax Assessor under section 208 for the purposes of calculat-

ing distributions of education funding under Title 20-A, chapter 606-B and state-municipal revenue sharing under Title 30-A, section 5681. A municipality requesting an adjustment under this section must file a petition, with supporting documentation, with the State Tax Assessor and indicate the time period for which adjustments to distributions are requested under subsection 5.

**2. Sudden and severe disruption.** A municipality experiences a sudden and severe disruption in its municipal valuation if:

A. The municipality experiences an equalized net reduction in valuation of at least 2% from the equalized valuation that would apply without adjustment under this section;

B. The equalized net reduction is attributable to the closure, removal, replacement, retrofit, obsolescence, disaster or abatement attributable to a single taxpayer; and

C. The municipality's equalized tax rate of residential property exceeds the state average.

**3. Procedure.** On receipt of a request by a municipality for adjustment under this section, the State Tax Assessor shall examine the documentation provided by the municipality and determine if the municipality qualifies for an adjustment under this section. If the State Tax Assessor determines that a municipality qualifies for an adjustment under this section, the State Tax Assessor shall calculate the amount of the adjustment for the municipality by determining the amount by which the state valuation determined under section 208 would be reduced as a result of the net sudden and severe disruption of equalized valuation and the time period to which adjustments under subsection 5 should apply. The State Tax Assessor may limit the time period or amount of adjustments to reflect the circumstances of the sudden and severe loss of valuation.

**4. Notifications.** The State Tax Assessor shall notify the Commissioner of Education and the Treasurer of State of any adjustment to state valuation determined under this section and the time period to which the adjustment applies.

**5. Effect of modified state valuation.** The determination of an adjustment to state valuation has the following effect.

A. The Commissioner of Education shall calculate the amount by which the local share of education funding under Title 20-A, chapter 606-B would have been increased if the adjusted state valuation amount had been used for the applicable time period in calculating education funding obligations. The commissioner shall certify to the State Controller the amount required to make the necessary payments and pay that amount to the municipality.

B. The Treasurer of State shall use the adjusted state valuation amount instead of the valuation certified under section 305 in calculating future distributions of state-municipal revenue sharing.

**6. Report.** By February 1st, annually, the State Tax Assessor shall submit a report to the joint standing committee of the Legislature having jurisdiction over taxation matters identifying all requests for adjustment of equalized valuation under this section during the previous calendar year, the assessor's determination regarding each request and the amount of any payments made by the Commissioner of Education under subsection 5, paragraph A.

See title page for effective date.

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## CHAPTER 324 HP 1254 - L.D. 1800

### An Act To Amend Licensing and Certification Requirements

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

**Whereas,** there is a need to amend the licensing laws of health care facilities and long-term care facilities for children and adults to permit sanctions to be levied and to protect the people of Maine; 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. 5 MRSA §200-H, sub-§1, ¶C,** as enacted by PL 2003, c. 433, §1 and amended by c. 689, Pt. B, §6, is further amended to read:

C. The Director of the Division of Licensing and ~~Certification~~ Regulatory Services within the Department of Health and Human Services, ~~Bureau of Medical Services~~, ex officio;

**Sec. 2. 22 MRSA §1717,** as amended by PL 2003, c. 634, §§1 and 2 and c. 673, Pt. NN, §1, is further amended to read:

#### **§1717. Registration of personal care agencies and placement agencies**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.