

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 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.

Penmor Lithographers
Lewiston, Maine
2007

Sec. 7. 33 MRSA §479, sub-§8, as enacted by PL 1985, c. 395, §3, is amended to read:

8. Does not run to successors or assigns. It does not run to the successor and assigns of the holder;

Sec. 8. 33 MRSA §479, sub-§9 is enacted to read:

9. Acquired for tax delinquency. A lien has been established for property tax delinquency under Title 36, section 552, or title to the real property subject to the conservation easement has been acquired by procedures for enforcement and foreclosure of delinquent taxes under Title 36, chapter 105, subchapter 9; or

Sec. 9. 33 MRSA §479, sub-§10 is enacted to read:

10. Merger. The title to the real property subject to the conservation easement has been acquired by the holder, unless the holder, with the consent of any 3rd party with rights of enforcement, replaces the conservation easement with legally binding restrictions under a conservation easement or declaration of trust at least as protective of the conservation values of the protected property as provided by the replaced easement.

Sec. 10. 33 MRSA §479-C is enacted to read:

§479-C. Conservation easement registry

A holder of a conservation easement that is organized or doing business in the State shall annually report to the Executive Department, State Planning Office the book and page number at the registry of deeds for each conservation easement that it holds, the municipality and approximate number of acres protected under each easement and such other information as the State Planning Office determines necessary to fulfill the purposes of this subchapter. The filing must be made by a date and on forms established by the State Planning Office to avoid duplicative filings when possible and otherwise reduce administrative burdens. The annual filing must be accompanied by a \$30 fee. The State Planning Office shall maintain a permanent record of the registration and report to the Attorney General any failure of a holder disclosed by the filing or otherwise known to the State Planning Office. The fees established under this section must be held by the State Planning Office in a nonlapsing, special account to defray the costs of maintaining the registry and carrying out its duties under this section.

Sec. 11. Appropriations and allocations. The following appropriations and allocations are made.

EXECUTIVE DEPARTMENT

Land for Maine's Future Fund 0060

Initiative: Allocates funds to maintain the conservation easement registry.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$3,060	\$3,060
OTHER SPECIAL REVENUE FUNDS TOTAL	\$3,060	\$3,060

See title page for effective date.

**CHAPTER 413
H.P. 863 - L.D. 1182**

An Act To Enable the Creation of Tax Increment Financing Districts for Arts Districts

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

Sec. 1. 30-A MRSA §5221, sub-§2, ¶A, as enacted by PL 2001, c. 669, §1, is amended to read:

A. To provide impetus for industrial or commercial or arts district development, or ~~both~~ any combination;

Sec. 2. 30-A MRSA §5222, sub-§1-A is enacted to read:

1-A. Arts district. "Arts district" means a specified area within the corporate limits of a municipality that has been designated by the municipality for the purpose of providing employment and cultural opportunities through the development of arts opportunities, including, but not limited to, museums, galleries, arts education, art studios, performing arts venues and associated businesses.

Sec. 3. 30-A MRSA §5223, sub-§3, ¶A, as enacted by PL 2001, c. 669, §1, is amended to read:

A. At least 25%, by area, of the real property within a development district must meet at least one of the following criteria:

- (1) Must be a blighted area;
- (2) Must be in need of rehabilitation, redevelopment or conservation work; or
- (3) Must be suitable for commercial or arts district uses.

Sec. 4. 30-A MRSA §5224, sub-§2, ¶C, as enacted by PL 2001, c. 669, §1, is amended to read:

C. A description of commercial facilities, arts districts, improvements or projects to be financed in whole or in part by the development program;

Sec. 5. 30-A MRSA §5225, sub-§1, ¶A, as enacted by PL 2001, c. 669, §1, is amended to read:

A. Costs of improvements made within the tax increment financing district, including, but not limited to:

(1) Capital costs, including, but not limited to:

(a) The acquisition or construction of land, improvements, buildings, structures, fixtures and equipment for public, arts district or commercial use;

(b) The demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures and fixtures;

(c) Site preparation and finishing work; and

(d) All fees and expenses that are eligible to be included in the capital cost of such improvements, including, but not limited to, licensing and permitting expenses and planning, engineering, architectural, testing, legal and accounting expenses;

(2) Financing costs, including, but not limited to, closing costs, issuance costs and interest paid to holders of evidences of indebtedness issued to pay for project costs and any premium paid over the principal amount of that indebtedness because of the redemption of the obligations before maturity;

(3) Real property assembly costs;

(4) Professional service costs, including, but not limited to, licensing, architectural, planning, engineering and legal expenses;

(5) Administrative costs, including, but not limited to, reasonable charges for the time spent by municipal employees in connection with the implementation of a development program;

(6) Relocation costs, including, but not limited to, relocation payments made following condemnation; and

(7) Organizational costs relating to the establishment of the district, including, but not limited to, the costs of conducting environmental impact and other studies and the costs of informing the public about the creation of development districts and the implementation of project plans;

Sec. 6. 30-A MRSA §5225, sub-§1, ¶C, as enacted by PL 2001, c. 669, §1, is amended to read:

C. Costs related to economic development, environmental improvements or employment training within the municipality, including, but not limited to:

(1) Costs of funding economic development programs or events developed by the municipality or funding the marketing of the municipality as a business or arts location;

(2) Costs of funding environmental improvement projects developed by the municipality for commercial or arts district use or related to ~~commercial~~ such activities;

(3) Funding to establish permanent economic development revolving loan funds or investment funds;

(4) Costs of services to provide skills development and training for residents of the municipality. These costs may not exceed 20% of the total project costs and must be designated as training funds in the development program; and

(5) Quality child care costs, including finance costs and construction, staffing, training, certification and accreditation costs related to child care; and

See title page for effective date.

CHAPTER 414

S.P. 708 - L.D. 1908

**An Act To Implement
Recommendations of the Blue
Ribbon Commission on Solid
Waste Management**

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

Sec. 1. 38 MRSA §1303-C, sub-§1-C is enacted to read:

1-C. Bypass. "Bypass" means any solid waste that is destined for disposal, processing or beneficial use at a solid waste facility but that cannot be disposed of, processed or beneficially used at that facility because of the facility's malfunction, insufficient capacity, inability to process or burn, downtime or any other comparable reason.

Sec. 2. 38 MRSA §1310-N, sub-§1, ¶B, as amended by PL 1995, c. 465, Pt. A, §13 and affected by Pt. C, §2, is further amended to read:

B. In the case of a disposal facility ~~other than a facility owned by the State~~, the facility provides a substantial public benefit, determined in accordance with subsection 3-A, except that this para-