

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.

Penmor Lithographers
Lewiston, Maine
2007

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. Allocation to Treasurer of State. The \$5,000,000 in state ceiling for calendar year 2007 previously allocated to the Treasurer of State remains allocated to the Treasurer of State to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 5. Five million dollars of the state ceiling for calendar year 2008 is allocated to the Treasurer of State to be used or reallocated in accordance with Title 10, section 363, subsection 5.

Sec. 2. Allocation to Finance Authority of Maine. The state ceiling or private activity bonds allocated to the Finance Authority of Maine is as follows.

1. The \$40,000,000 in state ceiling for calendar year 2007 previously allocated to the Finance Authority of Maine remains allocated to the Finance Authority of Maine to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 6 for calendar year 2007. Five million dollars of previously unallocated state ceiling money for calendar year 2007 is allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsection 6 for calendar year 2007. Forty-five million dollars of the state ceiling for calendar year 2008 is allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsection 6.

2. The \$40,000,000 in state ceiling for calendar year 2007 previously allocated to the Finance Authority of Maine remains allocated to the Finance Authority of Maine, the entity designated pursuant to the Maine Revised Statutes, Title 20-A, section 11407, to be used or reallocated in accordance with Title 10, section 363, subsection 8-A. Fifty million dollars of the state ceiling for calendar year 2008 is allocated to the Finance Authority of Maine, the entity designated pursuant to Title 20-A, section 11407, to be used in accordance with Title 10, section 363, subsection 8-A.

Sec. 3. Allocation to Maine Municipal Bond Bank. The \$10,000,000 of the state ceiling for calendar year 2007 previously allocated to the Maine Municipal Bond Bank remains allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 7 for calendar year 2007. Ten million dollars of the state ceiling for calendar year 2008 is allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with Title 10, section 363, subsection 7.

Sec. 4. Allocation to Maine Educational Loan Authority. The \$10,000,000 of the state ceiling for calendar year 2007 previously allocated to

the Maine Educational Loan Authority remains allocated to the Maine Educational Loan Authority to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 8 for calendar year 2007. Ten million dollars of previously unallocated state ceiling for calendar year 2007 is allocated to the Maine Educational Loan Authority to be used in accordance with Title 10, section 363, subsection 8. Twenty million dollars of the state ceiling for calendar year 2008 is allocated to the Maine Educational Loan Authority to be used in accordance with Title 10, section 363, subsection 8.

Sec. 5. Allocation to Maine State Housing Authority. The \$40,000,000 of the state ceiling for calendar year 2007 previously allocated to the Maine State Housing Authority remains allocated to the Maine State Housing Authority to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 4 for calendar year 2007. Forty million dollars of the state ceiling for calendar year 2008 is allocated to the Maine State Housing Authority to be used or reallocated in accordance with Title 10, section 363, subsection 4 in calendar year 2008.

Sec. 6. Unallocated state ceiling. Of the state ceiling for calendar year 2007, \$96,235,000, is unallocated and must be reserved for future allocation in accordance with applicable laws. Of the state ceiling for calendar year 2008, \$86,235,000, is unallocated and must be reserved for future allocation in accordance with applicable laws.

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

Effective June 7, 2007.

CHAPTER 19

H.P. 499 - L.D. 650

An Act To Equalize MaineCare Reimbursements to Hospitals

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

Sec. 1. MaineCare settlements to hospitals. Except as otherwise provided in this section, the Department of Health and Human Services shall, when carrying out final and interim settlements of payments to hospitals for services provided to MaineCare members, pay all final settlements for hospital fiscal years 2003 and earlier prior to paying interim settlements for services for hospital fiscal years 2005 and later. Nothing in this section limits the department's authority to:

1. Make ongoing MaineCare payments for services being rendered during the current fiscal year; or

2. Provide partial settlements for hospital fiscal years 2004 and later to certain hospitals in need of such relief in order to relieve financial hardship.

The department shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 20

H.P. 762 - L.D. 1044

An Act To Address Eating Disorders in Maine

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

Sec. 1. Eating disorders initiative. The Department of Health and Human Services, Maine Center for Disease Control and Prevention shall begin an eating disorders initiative to provide education and assistance to residents of the State suffering from eating disorders. The initiative must be designed to reduce the prevalence and long-term emotional and medical consequences of eating disorders and increase the cost-effectiveness of appropriate treatment, public awareness and coordination of treatment resources. The initiative must be undertaken using existing resources within the department of \$38,500 per year. The department shall report to the Joint Standing Committee on Health and Human Services by May 1, 2008 on the implementation of the eating disorders initiative.

See title page for effective date.

CHAPTER 21

H.P. 559 - L.D. 738

An Act To Assist the Community Affected by the Closure of the Cutler Naval Base

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

Whereas, portions of the former naval base in Cutler have been abandoned and unused for many years and this Act is likely to encourage prompt redevelopment of the base; and

Whereas, prompt redevelopment of this former naval base could provide many jobs in an area of high unemployment and enhance the general economy of the State; 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. Cutler naval base; alternative project costs. In order to induce the successful redevelopment of the former naval base in the Town of Cutler, the Commissioner of Economic and Community Development is authorized to consider and approve an expanded range of costs as authorized project costs under the Maine Revised Statutes, Title 30-A, section 5225, subsection 1 that may be funded with tax increment financing revenues under a municipal development district.

If the commissioner determines, upon review of an application for amendment or initial approval of one or more development districts located at the former Cutler naval base, that the Town of Cutler lacks adequate uses for tax increment financing revenue authorized under Title 30-A, section 5225, subsection 1 or that the applicant would not undertake the development program but for the availability of tax increment financing revenues as outlined in the development program, the commissioner must consider and may approve alternative project costs. Alternative project costs include, but are not limited to:

1. School costs. The expenditure of tax increment financing revenues to finance and improve the schools used by residents of the Town of Cutler to make the former Cutler naval base more attractive for residential and commercial development; and

2. Public improvements. The expenditure of tax increment financing revenues for facilities, buildings or portions of buildings used predominantly for the provision of fire, police and emergency response services that are related to the development project or for buildings or open space used predominantly as community recreation facilities that are related to the development project. The commissioner may not authorize the expenditure of tax increment financing revenues for facilities, buildings, portions of buildings or open space used predominantly for the general conduct of local government.

Notwithstanding Title 30-A, section 5227, subsection 3, paragraph D, the corresponding amount of local valuation relating to alternative project costs approved by the commissioner must be included as part