

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**September 27, 2011**

**SECOND REGULAR SESSION**  
**January 4, 2012 to May 31, 2012**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**LAWS IS**  
**SEPTEMBER 28, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 30, 2012**

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

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**Augusta, Maine**  
**2012**

On an annual basis, publicly owned treatment works whose outfalls licensed for the discharge of treated effluent cause adjacent shellfish growing areas to be closed for the purposes of harvesting shellfish must be assessed a license surcharge in a total amount of \$25,000. This amount must be allocated among the publicly owned treatment works according to the acreage that each licensed outfall closes. This acreage must be determined by the Department of Marine Resources in consultation with the department.

**Sec. 3. 38 MRSA §353-B, sub-§§3 and 4,** as enacted by PL 1997, c. 794, Pt. B, §7, are amended to read:

**3. Schedule.** The fee for existing licenses must be paid on the anniversary date of the license or another date initially established by the department. This date, once established, remains the scheduled date for paying the annual fee, regardless of future changes of the anniversary date. ~~The annual fee for new applications must be estimated and paid at the time of filing the application. When the processing of the application is complete or following the first year of discharge, if applicable, the final annual fee is determined. Any additional amount due or refund of overpayment must be paid within 30 days of determination of the final fee. If the application is denied, 50% of the initial annual fee must be refunded.~~

**4. Renewals, amendments and modifications.** Except for transfers of licenses for discharges of sanitary wastewater from commercial or residential sources as provided for in subsection 2, there are no additional fees assessed for license renewals, amendments or modifications. Upon significant changes in discharge flow, a licensee may apply for modification of the license to change the licensed discharge flow. The percent change in discharge flow must be used to adjust the annual waste discharge license fee by an equivalent percentage.

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

Effective March 29, 2012.

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## CHAPTER 547

### S.P. 558 - L.D. 1659

#### An Act To Facilitate Recovery of Debts Owed to the State for Indigent Legal Services

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

**Sec. 1. 4 MRSA §1806, sub-§1, ¶D** is enacted to read:

**D. "Case information" means:**

- (1) The court in which a case is brought;
- (2) Any criminal charges or juvenile crime charges and the type, but not the contents, of any petition giving rise to a case;
- (3) The docket number;
- (4) The identity of assigned counsel and the date of assignment;
- (5) The withdrawal of assigned counsel and the date of withdrawal; and
- (6) Any order for reimbursement of assigned counsel fees.

**Sec. 2. 4 MRSA §1806, sub-§3** is enacted to read:

**3. Confidential information disclosed by the Judicial Department.** The Judicial Department may disclose to the commission confidential information necessary for the commission to carry out its functions, including the collection of amounts owed to reimburse the State for the cost of assigned counsel, as follows:

A. Case information and individual client information with respect to court proceedings that are confidential by statute or court rule in which one or more parties are represented by assigned counsel; and

B. The name, address, date of birth and social security number of any person ordered by the court to reimburse the State for some or all of the cost of assigned counsel.

This information remains confidential in the possession of the commission and is not open to public inspection, except that the names of criminal defendants and the names of juvenile defendants charged with offenses that if committed by an adult would constitute murder or a Class A, Class B or Class C crime are not confidential.

**Sec. 3. 36 MRSA §5276-A, sub-§8,** as enacted by PL 1985, c. 501, Pt. B, §21, is amended to read:

**8. Disclosure of information.** In any civil or criminal action in which a fine, forfeiture, order to pay or money judgment is entered in favor of the State or any agency or department thereof, or in any action in which counsel is ~~appointed~~ assigned for an indigent party, the court may require the party so indebted to the State, its agencies or department, or the party for whom counsel has been ~~appointed~~ assigned, to provide that party's social security number and other financial information under oath and on such forms as may be prepared by the Judicial Department in order to effectuate the purposes of this section. The Judicial Department may disclose social security numbers and

financial information obtained in accordance with this subsection to agencies or departments of the State and to private collection agencies working under contract for the State for the purpose of collection of the amounts owed. A person who has access to or receives social security numbers or other financial information under this subsection shall maintain the confidentiality of the information and use it only for the purposes for which it was disclosed and may not further disclose it.

See title page for effective date.

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## CHAPTER 548

### H.P. 1293 - L.D. 1752

#### An Act Concerning Technical Changes to the Tax Laws

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

**Sec. 1. 10 MRSA §1020-C, sub-§1, ¶¶A and B**, as enacted by PL 2011, c. 211, §14, are amended to read:

A. "Eligible dealer" means a motor vehicle oil dealer that has ~~reported and paid~~ sold or distributed motor vehicle oil outside the State on which the motor vehicle oil premium was imposed under by section 1020, subsection 6-A ~~on motor vehicle oil sales or distributions.~~

B. "Eligible premium" means a premium that has been reported and paid by ~~an eligible a motor vehicle oil~~ dealer to the State Tax Assessor on motor vehicle oil that was subsequently sold or distributed by ~~that an~~ eligible dealer outside the State during the relevant reimbursement period.

**Sec. 2. 10 MRSA §1020-C, sub-§2**, as enacted by PL 2011, c. 211, §14, is amended to read:

**2. Annual application for reimbursement.** An eligible dealer shall submit a claim for reimbursement of eligible premiums on motor vehicle oil sold by that dealer outside the State on a form prescribed by the State Tax Assessor no later than March 31st annually. An application filed in 2011 or 2012 may include a reimbursement request for eligible premiums paid from October 1, 2009 to December 31, 2011. Reimbursement claims submitted beginning in 2013 may be made only for eligible premiums paid in the immediately preceding calendar year. All applications for reimbursement must be made under penalties of perjury. For purposes of this subsection, an application for reimbursement is considered a return, as defined in Title 36, section 111, subsection 4.

**Sec. 3. 10 MRSA §1100-Z, sub-§2**, as enacted by PL 2011, c. 380, Pt. Q, §1 and affected by §7, is amended to read:

**2. Program.** The Maine New Markets Capital Investment Program, referred to in this section as "the program," is established to encourage new investment in economically distressed areas of the State. For the purposes of this section, unless otherwise defined in this section, all terms have the same meaning as under Title 36, section ~~5219-GG~~ 5219-HH and Section 45D of the United States Internal Revenue Code of 1986, as amended.

**Sec. 4. 10 MRSA §1100-Z, sub-§3, ¶G**, as enacted by PL 2011, c. 380, Pt. Q, §1 and affected by §7, is amended to read:

G. Upon receipt of notice that a qualified community development entity has issued its qualified equity investments or long-term debt securities, the authority shall certify the entity's qualified equity investments or long-term debt securities as qualified equity investments and eligible for tax credits under Title 36, section ~~5219-GG~~ 5219-HH. The authority shall provide written notice, sent by certified mail or any other means considered feasible by the authority, of the certification to the qualified community development entity, ~~Maine~~ the Department of Administrative and Financial Services, Bureau of Revenue Services and the Commissioner of Administrative and Financial Services. The notice must include the names of persons eligible to claim the tax credits and their respective tax credit amounts. If the names of the persons that are eligible to claim the tax credits change due to a transfer of a qualified equity investment or a change in an allocation pursuant to this subchapter, the qualified community development entity shall notify the authority of ~~such~~ that transfer or change.

**Sec. 5. 10 MRSA §1100-Z, sub-§4**, as enacted by PL 2011, c. 380, Pt. Q, §1 and affected by §7, is amended to read:

**4. Limit on amount of tax credits authorized.** The maximum aggregate amount of qualified equity investments for which the authority may issue tax credit authority under this section is \$250,000,000; a tax credit claim may not exceed \$20,000,000 in any one state fiscal year over the 7 years of the tax credit allowance dates as described in Title 36, section ~~5219-GG~~ 5219-HH, subsection 1, paragraph A.

**Sec. 6. 10 MRSA §1100-Z, sub-§5**, as enacted by PL 2011, c. 380, Pt. Q, §1 and affected by §7, is amended to read:

**5. Reporting and disclosure of information.** The authority shall require annual reports of a qualified community development entity granted tax credit allocation authority pursuant to subsection 3. Reports