

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2016 to April 29, 2016

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 29, 2016

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

Augusta, Maine
2016

§5219-NN. Credit for certain homestead modifications

1. Credit allowed. A person with federal adjusted gross income not exceeding \$55,000 who makes qualified expenditures for the purpose of making all or any portion of an existing homestead, as defined in section 5219-II, subsection 1, paragraph C, accessible to an individual with a disability or physical hardship who resides or will reside in the homestead is allowed a credit against the tax otherwise imposed under this Part in an amount equal to the applicable percentage of the qualified expenditures or \$9,000, whichever is less.

2. Qualified expenditures. An individual claiming a credit under this section must demonstrate to the Maine State Housing Authority that the homestead modifications for which the expenditures were incurred comply with applicable building standards governing home accessibility in the jurisdiction where the homestead is located and are consistent with standards adopted by the authority. The authority may adopt rules consistent with this section to identify the types of homestead modifications that will enable accessibility for individuals with disabilities or physical hardships. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3. Certification. The Maine State Housing Authority shall certify to the State Tax Assessor the total qualified expenditures made by an individual seeking to claim a credit under this section. The authority may contract with a public or private entity to make the certification required under this subsection.

4. Limitations; carry-forward. The credit under this section must be taken in the taxable year in which the qualified expenditures were incurred. Any unused portion of the credit may be carried forward to the following year or years for a period not to exceed 4 years.

5. Applicable percentage. For the purposes of this section, "applicable percentage" means:

- A. For taxpayers with a federal adjusted gross income of \$0 to \$25,000, 100%;
- B. For taxpayers with a federal adjusted gross income over \$25,000 but not over \$30,000, 90%;
- C. For taxpayers with a federal adjusted gross income over \$30,000 but not over \$35,000, 80%;
- D. For taxpayers with a federal adjusted gross income over \$35,000 but not over \$40,000, 70%;
- E. For taxpayers with a federal adjusted gross income over \$40,000 but not over \$45,000, 60%; and
- F. For taxpayers with a federal adjusted gross income over \$45,000 but not over \$55,000, 50%.

6. Annual limit on credits. Credits approved under this section may not exceed \$1,000,000 for any calendar year. If the \$1,000,000 annual limitation is reached, any additional applications for a credit in that year must be held and given priority in consideration in the following calendar year.

Sec. 2. Application. This Act applies to tax years beginning on or after January 1, 2017.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**HOUSING AUTHORITY, MAINE STATE
Home Modification Certification Program N208**

Initiative: Provides funds for the cost of conducting the home modification certification.

GENERAL FUND	2015-16	2016-17
All Other	\$0	\$50,000
GENERAL FUND TOTAL	\$0	\$50,000

See title page for effective date.

**CHAPTER 504
S.P. 694 - L.D. 1686**

**An Act To Amend the Finance
Authority of Maine Act**

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

Sec. 1. 10 MRSA §962, sub-§2, as amended by PL 2011, c. 586, §1, is further amended to read:

2. Revenue obligation securities. Issue revenue obligation securities to finance eligible projects, except that revenue obligation securities may not be issued for energy distribution system projects ~~after or energy generating system projects unless the authority issued a certificate of approval for those eligible projects before January 1, 2018~~ 2020 pursuant to ~~section 1044, subsection 13 subchapter 3;~~

Sec. 2. 10 MRSA §963-A, sub-§13, ¶B, as amended by PL 1987, c. 141, Pt. B, §7, is further amended to read:

B. For a system ~~which that~~ does generate electricity, an energy generating system ~~which, including~~ wires, cables and other material and equipment necessary and convenient for the delivery of electricity from the electricity generating facility to the transmission and distribution utility system within the State, that uses biomass, peat, solar, waste, water and related dams, wind, wood or

coal, and ~~which~~ that is owned, in whole or in part, by an individual, municipality, corporation, limited liability company or other governmental entity or business association ~~which that~~ qualifies as a cogenerator or small power producer under Title 35-A, chapter 33.

Sec. 3. 10 MRSA §1043, sub-§2, ¶O, as amended by PL 2011, c. 655, Pt. MM, §8 and affected by §26, is further amended to read:

O. In the case of an energy distribution system project or an energy generating system project regulated by the Public Utilities Commission with respect to rates or terms of service or that requires, for construction or operation, authorization or certification from the commission, the following conditions are met.

(1) The energy distribution system project or the energy generating system project has received all authorizations or certifications from the Public Utilities Commission necessary for construction and operation of the project. The authority may issue a certificate of approval for a project that has received conditional approvals or certifications from the commission, except that the authority's certificate becomes legally effective only upon fulfillment of the conditional provisions of the commission's certificates or approvals. If the commission has approved rates to be charged by the project or has issued a certificate of public convenience and necessity for the project, the authority shall take into consideration any findings and conclusions of law of the commission, including any findings and conclusions pertaining to the need for the project and the financial viability of the project.

(2) The authority has reviewed and considered any comments provided by the Director of the Governor's Energy Office and the Public Advocate.

(3) The authority has determined that the applicant is creditworthy and that there is a reasonable likelihood that the revenue obligation securities will be repaid through the revenues of the project and any other sources of revenues and collateral pledged to the repayment of those securities. In order to make these determinations, the authority shall consider such factors as it considers necessary and appropriate in light of the special purpose or other nature of the business entity owning the project and the specific purposes of the project to measure and evaluate the project and the sufficiency of the pledged revenues to repay the obligations, including, but not limited to:

(a) Whether the individuals or entities obligated to repay the obligations have demonstrated sufficient revenues from the project or from other sources to repay the obligations and a reasonable probability that those revenues will continue to be available for the term of the revenue obligation securities;

(b) Whether the applicant demonstrates a reasonable probability that the project will continue to operate and provide the public benefits projected to be created for the term of the revenue obligation securities;

(c) Whether the applicant's creditworthiness is demonstrated by factors such as its historical financial performance, management ability, plan for marketing its product or service and ability to access conventional financing;

(d) Whether the applicant meets or exceeds industry average financial performance ratios commonly accepted in determining creditworthiness in that industry;

(e) Whether the applicant demonstrates that the need for authority assistance is due to the reduced cost and increased flexibility of the financing for the project that result from authority assistance and not from an inability to obtain necessary financing without the capital reserve fund security provided by the authority;

(f) Whether collateral securing the repayment obligation is reasonably sufficient under the circumstances;

(g) Whether the proposed project enhances the opportunities for economic development;

(h) The effect that the proposed project financing has on the authority's financial resources;

(i) The financial performance of similar projects;

(j) The need for the project, as determined by the Public Utilities Commission and as indicated by any comments provided by the Director of the Governor's Energy Office, other public officials and members of the public;

(k) The nature and extent of customer commitment to use the project or the fuel or energy the project distributes ~~or~~ transmits or generates;

(l) The cost advantages to end users of the fuel or energy to be distributed ~~or~~, transmitted or generated by the project, to the extent those advantages may affect market penetration by the project; and

(m) The nature and extent of the applicant's equity contribution to payment of the costs of the project; such a contribution may not be less than 25% of the expected cost of the project.

This paragraph is repealed January 1, ~~2018~~ 2020.

Sec. 4. 10 MRSA §1044, sub-§13, as enacted by PL 2011, c. 586, §4, is amended to read:

13. Limitation. The authority may not issue revenue obligation securities for energy distribution system projects or energy generating system projects unless the authority issued a certificate of approval for the energy distribution system project or energy generating system project before January 1, ~~2018~~ 2020. Notwithstanding this subsection, revenue refunding securities may be issued to refund any outstanding revenue obligation securities.

Sec. 5. 10 MRSA §1053, sub-§6, ¶A, as amended by PL 2011, c. 586, §5, is further amended to read:

A. The sum of \$180,000,000 consisting of not more than \$150,000,000 for loans and up to \$30,000,000 for use of bond proceeds to fund capital reserve funds for revenue obligation securities issued pursuant to this subchapter relating to loans for electric rate stabilization projects, loans for energy generating system projects or loans for energy distribution system projects;

See title page for effective date.

CHAPTER 505

S.P. 670 - L.D. 1645

**An Act To Address Employee
Recruitment and Retention
Issues at State Mental Health
Institutions**

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

Whereas, the state mental health institutions are an integral part of mental health care in the State; and

Whereas, employee recruitment and retention is important to the stability of the state mental health institutions; and

Whereas, this legislation provides for an increase in wages for certain personnel at the state mental health institutions beginning July 1, 2016; and

Whereas, the 90-day period will not expire until after July 1, 2016; 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. Department to increase wages at state mental health institutions. Notwithstanding any other provision of law, effective at the beginning of the first pay period commencing on or after July 1, 2016, the Department of Health and Human Services shall increase wages for select personnel as specified in this section at the state mental health institutions. Wages must be increased by \$2 per hour for all Acuity Specialist positions, Licensed Practical Nurse positions, Mental Health Worker I positions, Mental Health Worker II positions and Mental Health Worker III positions. Wages must be increased by \$4 per hour for all Nurse I positions, Hospital Nurse II positions, Hospital Nurse III positions, Hospital Nurse IV positions, Psychologist III positions and Psychologist IV positions.

Sec. 2. Transfer from Salary Plan program and special account funding. The funds in the Salary Plan program, General Fund account within the Department of Administrative and Financial Services may be used as needed in allotment by financial order upon the recommendation of the State Budget Officer and approval of the Governor to be used for the economic items contained in section 1 in fiscal year 2016-17. Positions supported from sources other than the General Fund must be funded from those other sources. Transfers from the Salary Plan program pursuant to this section may not exceed \$944,379 in fiscal year 2016-17.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect July 1, 2016.

Effective July 1, 2016.
