

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

**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**  
**2019**

on municipalities identified under section 8063; and

Sec. 5. 5 MRSA §8053, sub-§7, ¶H is enacted to read:

H. Indicate whether the rule is routine technical or major substantive as those terms are defined in section 8071.

Sec. 6. 5 MRSA §8053-A, sub-§1, as repealed and replaced by PL 1989, c. 574, §5, is amended to read:

1. **Proposed rules.** At the time of giving notice of rulemaking under section 8053 or within 10 days following the adoption of an emergency rule, the agency shall provide to the Legislature, in accordance with subsection 3, a fact sheet providing the information as described in section 8057-A, subsection 1 and a written notice identifying whether the proposed rule or adopted emergency rule is a routine technical rule or a major substantive rule as defined in subchapter 2-A.

A. If an agency determines that a rule ~~which that~~ it intends to adopt will be substantially different from the proposed rule, it shall provide the Legislature with a revised fact sheet with the information defined in section 8057-A, subsection 1, as it relates to the substantially different rule. The revised fact sheet ~~shall~~ **must** be provided to the Legislature in accordance with subsection 3.

See title page for effective date.

**CHAPTER 147**

**H.P. 806 - L.D. 1102**

**An Act To Remove a Reference to Constables in the Law Governing Execution of Process**

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

Sec. 1. 30-A MRSA §104, as amended by PL 2017, c. 332, §3, is further amended to read:

**§104. Execution of process**

Sheriffs and their deputies ~~and constables~~ shall execute all legal processes directed to them by the commissioners. A civil deputy, as defined in section 351, subsection 5, shall serve civil process as directed by the sheriff.

See title page for effective date.

**CHAPTER 148  
S.P. 342 - L.D. 1122**

**An Act To Expand Tax Increment Financing**

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

Sec. 1. 30-A MRSA §5222, sub-§14-A is enacted to read:

**14-A. Public safety facility.** "Public safety facility" means a facility used primarily for the functions of municipal or plantation government that ensure the protection of residents, organizations and institutions in the municipality or plantation, including the provision of law enforcement, fire and emergency services.

Sec. 2. 30-A MRSA §5225, sub-§1, ¶B, as amended by PL 2011, c. 101, §13, is further amended to read:

B. Costs of improvements that are made outside the tax increment financing district but are directly related to or are made necessary by the establishment or operation of the district, including, but not limited to:

- (1) ~~That portion of the costs reasonably~~ Costs related to the construction, alteration or expansion of any facilities not located within the district that are required due to improvements or activities within the district, including, but not limited to, sewage treatment plants, water treatment plants or other environmental protection devices; storm or sanitary sewer lines; water lines; electrical lines; improvements to ~~fire stations~~ public safety facilities; and amenities on streets;
- (2) Costs of public safety improvements ~~made necessary by~~ related to the establishment of the district; and
- (3) Costs of funding to mitigate any adverse impact of the district upon the municipality or plantation and its constituents. This funding may be used for public facilities and improvements if:

- (a) The public facilities or improvements are located in a downtown tax increment financing district; and
- (b) The entire tax increment from the downtown tax increment financing district is committed to the development program of the tax increment financing district;

Sec. 3. 30-A MRSA §5225, sub-§1, ¶C, as amended by PL 2013, c. 184, §4, is further amended to read:

C. Costs related to economic development, environmental improvements, fisheries and wildlife or marine resources projects, recreational trails or employment training within the municipality or plantation, including, but not limited to:

- (1) Costs of funding economic development programs or events developed by the municipality or plantation or funding the marketing of the municipality or plantation as a business or arts location;
- (2) Costs of funding environmental improvement projects developed by the municipality or plantation for commercial or arts district use or related to such activities;
- (3) Funding to establish permanent economic development revolving loan funds, investment funds and grants;
- (4) Costs of services and equipment to provide skills development and training, including scholarships to in-state educational institutions or to online learning entities when in-state options are not available, for jobs created or retained in the municipality or plantation. These costs must be designated as training funds in the development program;
- (5) Quality child care costs, including finance costs and construction, staffing, training, certification and accreditation costs related to child care;
- (6) Costs associated with new or existing recreational trails determined by the department to have significant potential to promote economic development, including, but not limited to, costs for multiple projects and project phases that may include planning, design, construction, maintenance, grooming and improvements with respect to new or existing recreational trails, which may include bridges that are part of the trail corridor, used all or in part for all-terrain vehicles, snowmobiles, hiking, bicycling, cross-country skiing or other related multiple uses;
- (7) Costs associated with a new or expanded transit service, limited to:
  - (a) Transit service capital costs, including but not limited to: transit vehicles such as buses, ferries, vans, rail conveyances and related equipment; bus shelters and other transit-related structures; and benches, signs and other transit-related infrastructure; and
  - (b) In the case of transit-oriented development districts, ongoing costs of adding to an existing transit system or creating a new transit service and limited strictly to

transit operator salaries, transit vehicle fuel and transit vehicle parts replacements; ~~and~~

(8) Costs associated with the development of fisheries and wildlife or marine resources projects; and

(9) Costs related to the construction or operation of municipal or plantation public safety facilities, the need for which is related to general economic development within the municipality or plantation, not to exceed 15% of the captured assessed value of the development district; and

**Sec. 4. 30-A MRSA §5225, sub-§2**, as enacted by PL 2001, c. 669, §1, is amended to read:

**2. Unauthorized project costs.** Except as provided in subsection 1, paragraph C, subparagraph (9) and subsection 1, paragraph D, the commissioner may not approve as a project cost the cost of facilities, buildings or portions of buildings used predominantly for the general conduct of government or for public recreational purposes, including, but not limited to, city halls and other headquarters of government where the governing body meets regularly, courthouses, jails, ~~police stations~~ and other state and local government office buildings, recreation centers, athletic fields and swimming pools.

See title page for effective date.

**CHAPTER 149**

**S.P. 348 - L.D. 1128**

**An Act To Clarify Statutes  
Related to Establishing a  
Municipal Charter  
Commission**

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

**Sec. 1. 30-A MRSA §2102, sub-§3, ¶B**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

B. The municipal clerk shall prepare the petition forms at the municipality's expense. The petition forms ~~shall~~ **must** be printed on paper of uniform size and may consist of as many individual sheets as are reasonably necessary.

(1) Petition forms ~~shall~~ **must** carry the following legend in bold lettering at the top of the face of each form.

**"Municipality of ...."**