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Public Law
124th Legislature
Second Regular Session

Chapter 619
H.P. 1294 - L.D. 1807

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2010-11 and To Make Certain Changes in the Laws Governing Tax Increment Financing Payments in the Unorganized Territories

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

Whereas, prompt determination and certification of the municipal cost components in the Unorganized Territory Tax District are necessary to the establishment of a mill rate and the levy of the Unorganized Territory Educational and Services Tax; 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:

PART A

Sec. A-1. Municipal cost components for services rendered. In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 2010-11 is as follows:

Audit - Fiscal Administration	\$198,691
Education	12,529,594
Forest Fire Protection	93,916
Human Services - General Assistance	58,000
Property Tax Assessment - Operations	788,218
Maine Land Use Regulation Commission - Operations	525,931

TOTAL STATE AGENCIES \$14,194,350

County Reimbursements for Services:

Aroostook	\$933,290
Franklin	600,521
Hancock	158,542
Kennebec	933
Oxford	494,827
Penobscot	904,838
Piscataquis	1,033,573
Somerset	911,530
Washington	782,970

TOTAL COUNTY SERVICES

 \$5,821,024

TOTAL REQUIREMENTS

 \$20,015,374

COMPUTATION OF ASSESSMENT

Requirements \$20,015,374

Less Deductions:

General -

State Revenue Sharing	\$198,640
Homestead Reimbursement	70,000
Miscellaneous Revenues	50,000

TOTAL

 \$318,640

Educational -

Land Reserved Trust	\$61,000
Tuition/Travel	250,000
Miscellaneous	5,000
Special - Teacher Retirement	250,000

TOTAL

 \$566,000

TOTAL DEDUCTIONS

 \$884,640

TAX ASSESSMENT

 \$19,130,734

PART B

Sec. B-1. 36 MRSA §1603, as amended by PL 2007, c. 627, §34, is further amended to read:

§ 1603. Definition of "municipal cost component"

1. Definition. For the purposes of this chapter, "municipal cost component" means the cost of funding services in the Unorganized Territory Tax District that would not be borne by the State if the Unorganized Territory Tax District were a municipality, but does not include a state cost allocation

charge, including, without limitation, reimbursement to the General Fund for departmental functions such as accounting, personnel administration and supervision. "Municipal cost component" also includes the cost of funding obligations of the unorganized territory under the terms of a tax increment financing district approved by the Commissioner of Economic and Community Development ~~prior to July 1, 2008~~ pursuant to Title 30-A, chapter 206. The "municipal cost component" includes, but is not limited to:

A. The cost of education, as would be determined by the Essential Programs and Services Funding Act if the unorganized territory were a municipality;

B. The cost of services the state funds in the unorganized territory that are funded locally by a municipality; the cost of forest fire protection to be included in the cost component must be determined in accordance with Title 12, section 9205-A and collected in the same manner as other portions of the municipal cost component;

C. The cost of reimbursement by the State for services a county provides to the unorganized territory in accordance with Title 30-A, chapter 305. A county may not be reimbursed for services provided on or after January 1, 1979, unless a legislative allocation is obtained pursuant to this chapter. If a county receives, in addition to its budget, funds that are designated by the Legislature for a specific purpose and the county does not spend those funds for that specific purpose in that fiscal year, then the reimbursement under this chapter to that county for the next fiscal year must be reduced by an amount equal to the amount of funds so designated that were not expended for that specific purpose; and

D. The cost for payments that the unorganized territory is required to make pursuant to the terms of a tax increment financing district approved by the Commissioner of Economic and Community Development pursuant to Title 30-A, chapter 206 ~~prior to July 1, 2008~~ with respect to taxable property in the Unorganized Territory Tax District.

Sec. B-2. 36 MRSA §1606, sub-§2, as enacted by PL 2007, c. 627, §35, is amended to read:

2. Tax increment financing payments. With respect to a tax increment financing district located in the unorganized territory and approved by the Commissioner of Economic and Community Development pursuant to Title 30-A, chapter 206 ~~prior to July 1, 2008~~, the Treasurer of State must deposit into the development program fund established by a county for the tax increment financing district pursuant to Title 30-A, section 5227, subsection 3 the tax increment revenues on the captured assessed value, as that term is defined in Title 30-A, section 5222. The payment must be made on or before October 15th following the date of assessment or within 30 days after the taxes constituting the tax increment are paid, whichever is later. The amount of the assessment is appropriated for the purposes of this subsection.

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

Effective April 8, 2010.