

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2390

S.P. 940

In Senate, January 12, 2000

An Act to Target Public Assistance to Responsible Employers.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DOUGLASS of Androscoggin.
Cosponsored by Representative COLWELL of Gardiner and
Senator RAND of Cumberland, Representatives: DUNLAP of Old Town, GREEN of
Monmouth, HATCH of Skowhegan, SAMSON of Jay, SAXL of Bangor, VOLENIK of
Brooklin.

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

4 **Sec. 1. 5 MRSA c. 383, sub-c. II, art. 2-A is enacted to read:**

6 **ARTICLE 2-A**

8 **PUBLIC ASSISTANCE TO GOOD CORPORATE CITIZENS**

10 **§13063-F. Public assistance to good corporate citizens**

12 **1. Definitions. As used in this article, unless the**
context otherwise indicates, the following terms have the
following meanings.

14 **A. "Commissioner" means the Commissioner of Labor.**

16 **B. "Public assistance payment" means any grant payment or**
tax credit, reimbursement or forgiveness made pursuant to:

20 **(1) An economic development incentive as defined in**
section 13070-J, subsection 1, paragraph D;

22 **(2) A shipbuilding facility credit under Title 36,**
sections 6850 to 6858; or

24 **(3) Additional programs as determined by the Economic**
Development Incentive Commission.

26 **C. "Subsidized employer" means any corporation required to**
file an annual report under section 13070-J, subsection 3.

28 **2. Expectations of good corporate citizen. To be**
considered a good corporate citizen, an employer must:

30 **A. Make a good-faith effort to provide a safe and healthy**
workplace for its employees;

32 **B. Respect the First Amendment of the United States**
Constitution free speech rights and assembly rights of its
employees in the workplace;

34 **C. Honor its employees' right to choose representatives to**
voice common concerns and bargain collectively for better
working conditions;

36 **D. Bargain in good faith with its employees or their**
agents; and

2 E. Refrain from hiring professional strikebreakers or
3 permanent replacements in the event of a labor dispute.

4 3. Application of First Amendment doctrines to employers.
5 For the purpose of this article, subsidized employers are deemed
6 state actors and the First Amendment of the United States
7 Constitution applies.

8 4. Certification. By January 15th of each year, the
10 commissioner shall certify those subsidized employers that are in
11 compliance with the conditions set forth in subsection 2 at all
12 of their facilities located in the State.

14 5. Report. By January 30th of each year, the Department of
15 Labor shall publish a report listing all subsidized employers
16 indicating whether each has been certified and stating the
17 reasons why any subsidized employer has been denied certification.

18 The report is a public document, available upon request, and
19 copies must be provided to the Governor; the Legislature; the
20 Department of Economic and Community Development; the Department
21 of Administrative and Financial Services, Bureau of Revenue
22 Services; the Department of Labor; the Economic Development
23 Incentive Commission; and each municipality in which a subsidized
24 employer is located.

26 6. Restrictions on public assistance payments. Only an
27 employer certified under subsection 4 may receive public
28 assistance payments.

30 7. Time limits. An employer that fails to satisfy any one
31 of the conditions set forth in subsection 2 is not eligible to
32 receive public assistance payments for a period of 5 years or
33 until full restitution has been made to an aggrieved employee.

36 8. Appeals. An employer may appeal any decision made under
37 subsection 4 or 7 as prescribed by chapter 375.

38 9. Intervention. A citizen has the right to intervene in
39 an appeal under subsection 8.

42 10. Economic development goal. This article sets a goal to
43 ensure that taxpayer investments in economic development are
44 carefully targeted to:

46 A. Promote the long-term health, safety and welfare of the
47 State's citizens;

48 B. Preserve and strengthen the economic well-being and
49 social fabric of the State's communities; and
50

2 C. Conserve the State's limited public resources.

4 11. Good Corporate Citizen Fund established. The Good
6 Corporate Citizen Fund, referred to as the "fund" in this
8 article, is established for the implementation of this article.
10 The Department of Administrative and Financial Services, Maine
12 Revenue Services shall divert 1/2 of one percent of the
14 reimbursement for taxes paid on certain business property,
16 pursuant to Title 36, chapter 915, to the fund. Money deposited
18 in the fund must be made available to the Department of Labor for
20 implementation of this article, and if sufficient, for increased
22 monitoring and enforcement activities.

24 12. Rulemaking. The Department of Labor shall adopt rules
26 to ensure effective administration of this article. Rules
28 adopted pursuant to this section are routine technical rules
 pursuant to chapter 375, subchapter II-A.

SUMMARY

24 This bill establishes that public investments must be
26 available only to businesses that protect and promote the
28 long-term health, safety, welfare and prosperity of their
 employees and the State's communities. The bill also recognizes
 that taxpayer investments in economic development are a
 discretionary use of limited public resources.