

# MAINE STATE LEGISLATURE

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Date: 05-25-07

(Filing No. S- 154)

**BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

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**STATE OF MAINE  
SENATE  
123RD LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 235, L.D. 768, Bill, "An Act To Ensure That Pine Tree Development Zone Benefits Are Not Extended to Businesses That Compete with Existing Maine Businesses"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 30-A MRSA §5250-O, as enacted by PL 2003, c. 688, Pt. D, §2, is amended to read:

**§5250-O. Certification of qualified business**

A business may apply to the commissioner for certification as a qualified Pine Tree Development Zone business. Upon review and determination by the commissioner that a business is a qualified Pine Tree Development Zone business, the commissioner shall issue a certificate of qualification to the business that includes a description of the qualified business activity for which the certificate is being issued. Prior to issuing a certificate of qualification, the commissioner must find that the business activity will not result in a substantial detriment to existing businesses in the State. In order to make this determination, the commissioner shall consider those factors the commissioner determines necessary to measure and evaluate the effect of the proposed business activity on existing businesses, including whether any adverse economic effect of the proposed business activity on existing businesses is outweighed by the contribution to the economic well-being of the State. The State Economist must review applications under this section and provide an advisory opinion to assist the commissioner in making findings under this section.

**SUMMARY**

This amendment deletes the statutory cross-reference to employment tax increment financing and inserts similar statutory language in Pine Tree Development Zone requirements for certification of a qualified business. The amendment requires that prior

**COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT "A" to S.P. 235, L.D. 768

1 to certification of a qualified Pine Tree Development Zone business the Commissioner of  
2 Economic and Community Development with assistance from the State Economist must  
3 determine that the proposed business activity will not result in a substantial detriment to  
4 existing businesses in the State. This amendment deletes the section of the bill that  
5 provided an express right of appeal to the Superior Court from decisions made by the  
6 commissioner regarding certification of qualified businesses.

FISCAL NOTE REQUIRED  
(See attached)

**COMMITTEE AMENDMENT**



# 123rd MAINE LEGISLATURE

LD 768

LR 1411(02)

**An Act To Ensure That Pine Tree Development Zone Benefits Are Not Extended to Businesses That Compete with Existing Maine Businesses**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: Business, Research and Economic Development**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Additional costs to the Department of Economic and Community Development associated with determining that the proposed business activity will not result in a substantial detriment to existing businesses in the State can be absorbed within existing budgeted resources.