

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 768

S.P. 235

February 13, 2007

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

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Reference to the Committee on Business, Research and Economic Development 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 MILLS of Somerset.

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

2 **Sec. 1. 30-A MRSA §5250-I, sub-§17, ¶A,** as amended by PL 2005, c. 351, §4  
3 and as affected by §26, is further amended to read:

4 A. It demonstrates that the establishment or expansion of operations within the Pine  
5 Tree Development Zone would not occur within the State absent the availability of  
6 the Pine Tree Development Zone benefits. The department shall determine whether  
7 the business has met the requirements of this paragraph; ~~and~~

8 **Sec. 2. 30-A MRSA §5250-I, sub-§17, ¶A-1** is enacted to read:

9 A-1. It demonstrates that the establishment or expansion of operations within the  
10 Pine Tree Development Zone will not result in a substantial detriment to any existing  
11 business in the State under the criteria adopted by the commissioner under Title 36,  
12 section 6756, subsection 3; and

13 **Sec. 3. 30-A MRSA §5250-O,** as enacted by PL 2003, c. 688, Pt. D, §2, is  
14 amended to read:

15 **§5250-O. Certification of qualified business**

16 A business may apply to the commissioner for certification as a qualified Pine Tree  
17 Development Zone business. Upon review and determination by the commissioner that a  
18 business is a qualified Pine Tree Development Zone business, the commissioner shall  
19 issue a certificate of qualification to the business that includes a description of the  
20 qualified business activity for which the certificate is being issued. A business aggrieved  
21 by a decision of the commissioner pursuant to section 5250-I, subsection 17, paragraph  
22 A-1 that an applicant has demonstrated that the establishment or expansion of operations  
23 within the Pine Tree Development Zone will not result in a substantial detriment to any  
24 existing business in the State may appeal that decision to Superior Court in the manner  
25 provided under Title 5, section 11001, subsection 1.

26 **SUMMARY**

27 This bill provides that a qualified Pine Tree Development Zone business must  
28 demonstrate that its development within a Pine Tree Development Zone will not result in  
29 a substantial detriment to any other business in the State. A business aggrieved by a  
30 decision of the Commissioner of Economic and Community Development that there will  
31 not be a substantial detriment to any other business in the State may appeal that decision  
32 to Superior Court.