

MAINE STATE LEGISLATURE

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BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 214, L.D. 271, Bill, "An Act To Encourage Economic Recovery and Employment Growth To Support Maine's Working Waterfronts"

Amend the bill by inserting before section 1 the following:

'Sec. 1. 30-A MRSA §5250-I, sub-§4, as amended by PL 2005, c. 351, §1, is further amended to read:

4. Base level of employment. "Base level of employment" means the greater of either the total employment in the State of a business as of March 31st, June 30th, September 30th and December 31st of the calendar year immediately preceding the year of the business's application to become a certified Pine Tree Development Zone business divided by 4 or its average employment during the base period. Pursuant to section 5250-J, subsection 4-A, "base level of employment" may be adjusted to mean 25% of the average number of employees of that business over the 3 months immediately preceding the catastrophic occurrence.'

Amend the bill by striking out all of section 4 and inserting the following:

'Sec. 4. 30-A MRSA §5250-J, sub-§4-A is enacted to read:

4-A. Catastrophic occurrence; benefits. A qualified Pine Tree Development Zone business whose primary purpose is to support the State's working waterfront industry may apply for an adjustment of the base level of employment as described in this section, if it meets the following criteria:

A. It is located on a working waterfront in a Pine Tree Development Zone;

B. It has sustained at least a 5% loss of employed workers due to a catastrophic occurrence; and

C. It has appropriate infrastructure and zoning or other land use regulations in place.

For the purposes of this section and calculation of Pine Tree Development Zone benefits in section 5250-I, subsection 14, the base level of employment may be adjusted to mean

1 25% of the average number of employees of that business over the 3 months immediately
2 preceding the catastrophic occurrence. A qualified business must apply for an adjustment
3 of the base level of employment within 16 months of the catastrophic occurrence.
4 Applications pursuant to this subsection must be received by August 1, 2011.

5 **Sec. 5. 36 MRSA §6753, sub-§4**, as amended by PL 2005, c. 351, §21, is further
6 amended to read:

7 **4. Base level of employment.** "Base level of employment" means the greater of
8 either the total employment of a business as of the March 31st, June 30th, September 30th
9 and December 31st of the calendar year immediately preceding the application for
10 approval of the employment tax increment financing development program divided by 4
11 or its average employment during the base period. Pursuant to Title 30-A, section
12 5250-J, subsection 4-A, "base level of employment" may be adjusted to mean 25% of the
13 average number of employees of that business over the 3 months immediately preceding
14 the catastrophic occurrence.'

15 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
16 section number to read consecutively.

17 SUMMARY

18 This amendment removes that section of the bill that established a waiver of certain
19 requirements and instead adds a provision to allow a qualified Pine Tree Development
20 Zone business whose primary purpose is to support the State's working waterfront
21 industry that has suffered from a catastrophic occurrence to apply for an adjustment of the
22 base level of employment for purposes of determining Pine Tree Development Zone
23 benefits if it meets the following criteria: it is located on a working waterfront in a Pine
24 Tree Development Zone; it has sustained at least a 5% loss of employed workers due to a
25 catastrophic occurrence; and it has appropriate infrastructure and zoning or other land use
26 regulations in place. The amendment provides that the definition of "base level of
27 employment" may be adjusted to mean 25% of the average number of employees of that
28 business over the 3 months immediately preceding the catastrophic occurrence. It
29 requires a qualified business to apply for an adjustment of the base level of employment
30 within 16 months of the catastrophic occurrence and any applications under this provision
31 must be received by the Department of Economic and Community Development by
32 August 1, 2011. The amendment also cross-references this definition in the laws
33 governing employment tax increment financing benefits.

FISCAL NOTE REQUIRED

(See attached)



Approved: 03/18/09 *MAC*

124th MAINE LEGISLATURE

LD 271

LR 169(02)

An Act To Encourage Economic Recovery and Employment Growth To Support Maine's Working Waterfronts

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

Committee: Business, Research and Economic Development

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional administrative costs to the Department of Economic and Community Development and Maine Revenue Services associated with allowing a qualified Pine Tree Development Zone business whose primary purpose is to support the State's working waterfront industry and has suffered from a catastrophic occurrence to apply for an adjustment of the base level of employment if it meets certain criteria can be absorbed within existing budgeted resources.