

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 271

H.P. 214

House of Representatives, January 27, 2009

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

(EMERGENCY)

Reference to the Committee on Business, Research and Economic Development suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MacDONALD of Boothbay.
Cosponsored by Senator GOODALL of Sagadahoc and
Representatives: MILLER of Somerville, PERCY of Phippsburg, PIEH of Bremen, Senator:
TRAHAN of Lincoln.

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

3 **Whereas,** Maine's working waterfront industries are critical to the growth of the
4 State's economy and bolstering these industries, which have suffered unexpected
5 catastrophic events in regions of high unemployment, by providing Pine Tree
6 Development Zone benefits could help them recover more rapidly and allow them to
7 continue to be valuable assets to the economy; and

8 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
9 the meaning of the Constitution of Maine and require the following legislation as
10 immediately necessary for the preservation of the public peace, health and safety; now,
11 therefore,

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

13 **Sec. 1. 30-A MRSA §5250-I, sub-§5-A** is enacted to read:

14 **5-A. Catastrophic occurrence.** "Catastrophic occurrence" means accidental fire,
15 flood, hurricane, windstorm, earthquake or other similar event.

16 **Sec. 2. 30-A MRSA §5250-I, sub-§23** is enacted to read:

17 **23. Working waterfront.** "Working waterfront" means a parcel of land abutting
18 water subject to tidal influence or land located in the intertidal zone that is used primarily
19 or predominantly to provide access to or support the conduct of commercial fishing and
20 marine activities. For purposes of this subsection, "parcel" includes an entire unit of real
21 estate notwithstanding the fact that it is divided by a road, way, railroad or pipeline.

22 **Sec. 3. 30-A MRSA §5250-I, sub-§24** is enacted to read:

23 **24. Working waterfront industry.** "Working waterfront industry" means an
24 industry primarily involved in supporting commercial fishing, marine and boat building
25 activities.

26 **Sec. 4. 30-A MRSA §5250-J, sub-§3, ¶H,** as repealed and replaced by PL 2005,
27 c. 669, §1, is amended to read:

28 **H.** The restrictions contained in paragraph G may be waived for:

29 (1) Property that is contained within a labor market area that has sustained a
30 greater than 5% loss of population or employed workers during the 3-year period
31 immediately preceding the time of application if the loss was caused by business
32 closings; ~~or~~

33 (2) Property that is contained within an industrial site with appropriate
34 infrastructure and zoning or other land use regulations in place that has sustained
35 a minimum loss of 500 employed workers during the 5-year period immediately
36 preceding the time of application, as long as an application for a waiver under
37 this subparagraph is received by August 1, 2010. Only a qualified business with

1 a base level of employment equal to zero is eligible to receive Pine Tree
2 Development Zone benefits under this subparagraph; or

3 (3) Property that is contained within a working waterfront with appropriate
4 infrastructure and zoning or other land use regulations in place that has sustained
5 at least a 5% loss of employed workers due to a catastrophic occurrence during
6 the 16-month period immediately preceding the time of application, as long as an
7 application for a waiver under this subparagraph is received by August 1, 2011.
8 Only a qualified business whose primary purpose is to support the State's
9 working waterfront industry is eligible to receive Pine Tree Development Zone
10 benefits under this subparagraph.

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

13 SUMMARY

14 This bill establishes a waiver of certain Pine Tree Development Zone qualification
15 requirements for property that is within a working waterfront that has sustained a 5% loss
16 of employed workers during the 16-month period immediately preceding the time of
17 application, as long as the loss was caused by a catastrophic occurrence. The bill requires
18 that an application for a waiver must be received by August 1, 2011. The bill also states
19 that only a qualified business whose primary purpose is to support the State's working
20 waterfront industry is eligible to receive Pine Tree Development Zone benefits.