

MAINE STATE LEGISLATURE

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SMS
R O B

L.D. 1633

Minority

Date: 2/28/14

(Filing No. S-403)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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STATE OF MAINE

SENATE

126TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 624, L.D. 1633, Bill, "An Act To Extend the Date for a Business in a Tier 2 Location To Qualify for Pine Tree Development Zone Benefits"

Amend the bill by striking out the title and substituting the following:

'An Act To Amend the Laws Governing Pine Tree Development Zones'

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 30-A MRSA §5250-I, sub-§21-C is enacted to read:

21-C. Tier 3 location. "Tier 3 location" means a location in Washington County or Aroostook County designated by the department after December 31, 2014 to be eligible for Pine Tree Development Zone benefits for a period of 10 years.

Sec. 2. 30-A MRSA §5250-J, sub-§3-A, as amended by PL 2009, c. 652, Pt. D, §1 and affected by §2, is further amended to read:

3-A. Pine Tree Development Zone classification; tier 1 locations. Beginning January 1, 2009, the department shall classify the following on an annual basis as tier 1 locations:

A. From January 1, 2009 to December 31, 2009, all units of local government;

B. Beginning January 1, 2010, a unit of local government that is contained in a county other than Cumberland County or York County, as well as a unit of local government that is contained in Cumberland County or York County with a municipal unemployment rate that is 15% higher than its labor market unemployment rate, based upon data published by the Department of Labor from the last completed calendar year;

C. A unit of local government that has been designated by the department as a participating municipality in the Pine Tree Development Zone program as of December 31, 2008;

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1 D. Property within a military redevelopment zone as long as the property is classified
2 by the department no later than December 31, 2018; and

3 E. Washington County and the Downeast region, including 2 pilot projects to be
4 established by the commissioner:

5 (1) A pilot project for the property of the former Cutler naval computer and
6 telecommunications station, which may be excluded from the qualified business
7 definitions established under section 5250-I, subsections 16 and 17 if a for-profit
8 business is engaged in, or will engage in, tourism development including
9 recreational tourism, experiential tourism, hotel development and resort facility
10 development; and

11 (2) A pilot project that allows seasonal employees in seasonal industries based
12 on natural resources to be considered qualified Pine Tree Development Zone
13 employees for the purposes of section 5250-I, subsection 18.

14 Notwithstanding anything to the contrary in this subsection, beginning January 1, 2015,
15 units of local government in Aroostook County or Washington County may not be
16 classified as tier 1 locations.

17 **Sec. 3. 30-A MRSA §5250-J, sub-§3-C** is enacted to read:

18 **3-C. Pine Tree Development Zone classification; tier 3 locations.** Beginning
19 January 1, 2015, the department shall classify all units of local government in Aroostook
20 County and Washington County as tier 3 locations.

21 **Sec. 4. 30-A MRSA §5250-J, sub-§5,** as repealed and replaced by PL 2009, c.
22 461, §22, is amended to read:

23 **5. Termination.** A qualified Pine Tree Development Zone business ~~located in a tier~~
24 ~~1 location~~ may not be certified under this subchapter after December 31, 2018, ~~and a~~
25 ~~qualified Pine Tree Development Zone business located in a tier 2 location may not be~~
26 ~~certified under this subchapter after December 31, 2013.~~ All Pine Tree Development
27 Zone benefits provided under this subchapter are terminated on December 31, 2028.

28 **Sec. 5. 36 MRSA §1760, sub-§87,** as amended by PL 2011, c. 285, §5, is further
29 amended to read:

30 **87. Sales of tangible personal property and transmission and distribution of**
31 **electricity to qualified development zone businesses.** Beginning July 1, 2005, sales of
32 tangible personal property, and of the transmission and distribution of electricity, to a
33 qualified Pine Tree Development Zone business, as defined in Title 30-A, section 5250-I,
34 subsection 17, for use directly and primarily in one or more qualified business activities,
35 as defined in Title 30-A, section 5250-I, subsection 16. The exemption provided by this
36 subsection is limited for each qualified Pine Tree Development Zone business to sales
37 occurring within a period of 10 years in the case of a business located in a tier 1 location
38 or a tier 3 location, as defined in Title 30-A, section 5250-I, ~~subsection~~ subsections 21-A
39 and 21-C, respectively, and 5 years in the case of a business located in a tier 2 location, as
40 defined in Title 30-A, section 5250-I, subsection 21-B, from the date the business is
41 certified pursuant to Title 30-A, section 5250-O or until December 31, 2028, whichever
42 occurs first. As used in this subsection, "primarily" means more than 50% of the time

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1 during the period that begins on the date on which the property is first placed in service
2 by the purchaser and ends 2 years from that date or at the time the property is sold,
3 scrapped, destroyed or otherwise permanently removed from service by the purchaser,
4 whichever occurs first.

5 **Sec. 6. 36 MRSA §2016, sub-§4, ¶A**, as amended by PL 2009, c. 627, §7 and
6 affected by §12, is further amended to read:

7 A. Reimbursements made by the assessor pursuant to this section are limited to taxes
8 paid in connection with sales of tangible personal property that occur within a period
9 of 10 years in the case of a qualified Pine Tree Development Zone business located in
10 a tier 1 location or a tier 3 location, as defined in Title 30-A, section 5250-I,
11 ~~subsection~~ subsections 21-A and 21-C, respectively, and 5 years in the case of a
12 qualified Pine Tree Development Zone business located in a tier 2 location, as
13 defined in Title 30-A, section 5250-I, subsection 21-B, from the date the qualified
14 Pine Tree Development Zone business receiving the property is certified pursuant to
15 Title 30-A, section 5250-O or by December 31, 2028, whichever occurs first.

16 **Sec. 7. 36 MRSA §2529, sub-§1, ¶B**, as amended by PL 2009, c. 627, §8 and
17 affected by §12, is further amended to read:

18 B. For a business located in a tier 1 location or a tier 3 location, as defined in Title
19 30-A, section 5250-I, ~~subsection~~ subsections 21-A and 21-C, respectively, 50% of the
20 tax that would otherwise be due under this chapter upon premiums that are
21 attributable to a qualified business activity as defined in Title 30-A, section 5250-I,
22 subsection 16 for each of the 5 tax years following the time period in paragraph A.

23 **Sec. 8. 36 MRSA §5219-W, sub-§1, ¶B**, as amended by PL 2009, c. 627, §10
24 and affected by §12, is further amended to read:

25 B. For a business located in a tier 1 location or a tier 3 location, as defined in Title
26 30-A, section 5250-I, ~~subsection~~ subsections 21-A and 21-C, respectively, 50% of the
27 tax that would otherwise be due under this Part for each of the 5 tax years following
28 the time period in paragraph A.

29 **Sec. 9. 36 MRSA §6754, sub-§1, ¶D**, as amended by PL 2011, c. 240, §44, is
30 repealed and the following enacted in its place:

31 D. For qualified Pine Tree Development Zone employees, as defined in Title 30-A,
32 section 5250-I, subsection 18, employed directly in the qualified business activity of
33 a qualified Pine Tree Development Zone business, as defined in Title 30-A, section
34 5250-I, subsection 17, for whom a certificate of qualification has been issued in
35 accordance with Title 30-A, section 5250-O, the reimbursement under this subsection
36 is equal to:

37 (1) For a period of no more than 10 years, 80% of Maine income tax withheld
38 each year for which reimbursement is requested and attributed to those qualified
39 employees of a qualified Pine Tree Development Zone business located in a tier 1
40 location as defined in Title 30-A, section 5250-I, subsection 21-A;

41 (2) For a period of no more than 5 years, 80% of Maine income tax withheld
42 each year for which reimbursement is requested and attributed to those qualified

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1 employees of a qualified Pine Tree Development Zone business located in a tier 2
2 location as defined in Title 30-A, section 5250-I, subsection 21-B; or

3 (3) For a period of no more than 10 years, 100% of Maine income tax withheld
4 each year for which reimbursement is requested and attributed to those qualified
5 employees of a qualified Pine Tree Development Zone business located in a tier 3
6 location as defined in Title 30-A, section 5250-I, subsection 21-C.

7 Reimbursement under this paragraph may not be paid for years beginning after
8 December 31, 2028.'

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

11 **SUMMARY**

12 This amendment is the minority report of the committee. Beginning January 1, 2015,
13 it establishes a new tier 3 Pine Tree Development Zone classification for all units of local
14 government in Aroostook County and Washington County. It provides for Pine Tree
15 Development Zone benefits and expanded employment tax increment financing benefits
16 for businesses located in a tier 3 location. It removes the units of local government in
17 Aroostook County and Washington County from eligibility for designation as a tier 1
18 location.

19 It extends until December 31, 2018 the ability of a qualified Pine Tree Development
20 Zone business in any tier location to be certified to receive Pine Tree Development Zone
21 benefits until the benefits are terminated on December 31, 2028. Currently the expiration
22 for certification for businesses in a tier 2 location is December 31, 2013.

23 **FISCAL NOTE REQUIRED**

24 (See attached)



126th MAINE LEGISLATURE

LD 1633

LR 2439(02)

An Act To Extend the Date for a Business in a Tier 2 Location To Qualify for Pine Tree Development Zone Benefits

Fiscal Note for Bill as Amended by Committee Amendment 'A' (S-403)
Committee: Labor, Commerce, Research and Economic Development
Fiscal Note Required: Yes

Fiscal Note

	FY 2013-14	FY 2014-15	Projections FY 2015-16	Projections FY 2016-17
Net Cost (Savings)				
General Fund	\$0	\$0	\$534,375	\$1,027,187
Revenue				
General Fund	\$0	\$0	(\$534,375)	(\$1,027,187)
Other Special Revenue Funds	\$0	\$0	(\$28,125)	(\$54,063)

Fiscal Detail and Notes

This bill establishes a new Tier 3 Pine Tree Development Zone and extends the sunset date for new Tier 2 Zone certifications. These provisions would result in a loss of General Fund and Local Government Fund revenue of \$534,375 and \$28,125 in fiscal year 2015-16 and \$1,027,187 and \$54,063 in fiscal year 2016-17, respectively.

Additional costs to the Department of Economic and Community Development associated with the certification process can be absorbed within existing budgeted resources.