

MAINE STATE LEGISLATURE

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RODS

L.D. 767

Date: 6-23-15

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 520,
L.D. 767, Bill, "An Act To Create Jobs in Aroostook and Washington Counties"

Amend the amendment in the first paragraph after the title by striking out everything after the following: "Amend the bill" and inserting the following:

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

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

5-B. Call center. "Call center" means a business enterprise that employs 50 or more full-time employees for the purpose of customer service.

Sec. 2. 30-A MRSA §5250-I, sub-§18, as amended by PL 2005, c. 351, §4 and affected by §26, is further amended to read:

18. Qualified Pine Tree Development Zone employees. "Qualified Except for employees in call centers in Aroostook and Washington counties, "qualified Pine Tree Development Zone employees" means new, full-time employees hired in this State by a qualified Pine Tree Development Zone business for work directly in one or more qualified business activities for whom a retirement program subject to the Employee Retirement Income Security Act of 1974, 29 United States Code, Sections 101 to 1461, as amended, and group health insurance are provided and whose income derived from employment within the Pine Tree Development Zone, calculated on a calendar year basis, is greater than the most recent annual per capita personal income in the county in which the qualified employee is employed. "Qualified Pine Tree Development Zone employees" does not include employees shifted to a qualified business activity from a nonqualified activity of the qualified Pine Tree Development Zone business or an affiliated business. The commissioner shall determine whether a shifting of employees has occurred.

For employees in call centers in Aroostook and Washington counties, "qualified Pine Tree Development Zone employees" means new, full-time employees hired in this State by a qualified Pine Tree Development Zone business for work directly in one or more qualified business activities for whom a retirement program subject to the Employee Retirement Income Security Act of 1974, 29 United States Code, Sections 101 to 1461, as amended, and group health insurance are provided and whose income derived from

1 employment within the Pine Tree Development Zone, calculated on a weekly basis, is
 2 greater than the average weekly wage for the most recent available calendar year as
 3 derived from the quarterly census of employment and wages and provided annually by
 4 the Department of Labor. The calculation of the average weekly wage must include data
 5 from the counties of Androscoggin, Aroostook, Franklin, Hancock, Kennebec, Knox,
 6 Lincoln, Oxford, Penobscot, Piscataquis, Sagadahoc, Somerset, Waldo and Washington.
 7 Notwithstanding this subsection, with respect to employees in call centers in Aroostook
 8 and Washington counties, in a county in which the average annual unemployment rate at
 9 the time of certification for the most recent calendar year is greater than the state average
 10 for the same year, the wage threshold is 90% of the average weekly wage as derived from
 11 the quarterly census of employment and wages. Notwithstanding this subsection, with
 12 respect to a call center in Aroostook or Washington county and upon approval of the
 13 commissioner, a qualified business located in a county in which the average annual
 14 unemployment rate at the time of certification for the most recent calendar year is greater
 15 than the state average for that same year qualifies for a phase-in of salary threshold
 16 requirements. A qualified business under this provision must meet 70% of the average
 17 weekly wage as derived from the quarterly census of employment and wages in the first
 18 year of certification, 80% of the average weekly wage as derived from the quarterly
 19 census of employment and wages in the 2nd year of certification and 90% of the average
 20 weekly wage as derived from the quarterly census of employment and wages in all
 21 following years of certification. Failure to meet any of these requirements results in
 22 automatic revocation of certification. "Qualified Pine Tree Development Zone
 23 employees" does not include employees shifted to a qualified business activity from a
 24 nonqualified activity of the qualified Pine Tree Development Zone business or an
 25 affiliated business. The commissioner shall determine whether a shifting of employees
 26 has occurred.

27 **Sec. 3. 30-A MRSA §5250-I, sub-§18-A** is enacted to read:

28 **18-A. Quarterly census of employment and wages.** "Quarterly census of
 29 employment and wages" means the comprehensive tabulation of employment and wage
 30 information for workers produced by the quarterly census of employment and wages
 31 program, a cooperative program involving the federal Department of Labor, Bureau of
 32 Labor Statistics and the state employment security agencies.

33 **Sec. 4. 36 MRSA §6753, sub-§5-A** is enacted to read:

34 **5-A. Call center.** "Call center" means a business enterprise that employs 50 or more
 35 full-time employees for the purpose of customer service.

36 **Sec. 5. 36 MRSA §6753, sub-§12,** as amended by PL 2009, c. 434, §82, is
 37 further amended to read:

38 **12. Qualified employee.** "Qualified Except for an employee in a call center in
 39 Aroostook County or Washington County, "qualified employee" means a new, full-time
 40 employee hired in this State by a qualified business, for whom a retirement program
 41 subject to the Employee Retirement Income Security Act of 1974, 29 United States Code,
 42 Chapter 18 and group health insurance are provided, and whose income derived from
 43 employment with the applicant, calculated on a calendar year basis, is greater than the
 44 most recent annual per capita personal income in the county in which the qualified

1 employee is employed, as long as Maine income tax withholding attributed to the
2 qualified employee is subject to reimbursement to the qualified business under this
3 chapter. "Qualified employee" does not include an employee who is shifted to a qualified
4 business from an affiliated business. The commissioner shall determine whether a
5 shifting of employees has occurred.

6 For an employee in a call center in Aroostook County or Washington County, "qualified
7 employee" means a new, full-time employee hired in this State by a qualified business,
8 for whom a retirement program subject to the Employee Retirement Income Security Act
9 of 1974, 29 United States Code, Chapter 18 and group health insurance are provided, and
10 whose income derived from employment with the applicant, calculated on a weekly basis,
11 is greater than the average weekly wage for the most recent available calendar year as
12 derived from the quarterly census of employment and wages and provided annually by
13 the Department of Labor, as long as Maine income tax withholding attributed to the
14 qualified employee is subject to reimbursement to the qualified business under this
15 chapter. "Qualified employee" does not include an employee who is shifted to a qualified
16 business from an affiliated business. The commissioner shall determine whether a
17 shifting of employees has occurred. The calculation of the average weekly wage must
18 include data from the counties of Androscoggin, Aroostook, Franklin, Hancock,
19 Kennebec, Knox, Lincoln, Oxford, Penobscot, Piscataquis, Sagadahoc, Somerset, Waldo
20 and Washington. Notwithstanding this subsection, with respect to a call center in
21 Aroostook or Washington county, in a county in which the average annual unemployment
22 rate at the time of certification for the most recent calendar year is greater than the state
23 average for the same year, the wage threshold is 90% of the average weekly wage as
24 derived from the quarterly census of employment and wages. Notwithstanding this
25 subsection, with respect to a call center in Aroostook or Washington county and upon
26 approval of the commissioner, a qualified business located in a county in which the
27 average annual unemployment rate at the time of certification for the most recent
28 calendar year is greater than the state average for that same year qualifies for a phase-in
29 of salary threshold requirements. A qualified business under this provision must meet
30 70% of the average weekly wage as derived from the quarterly census of employment and
31 wages in the first year of certification, 80% of the average weekly wage as derived from
32 the quarterly census of employment and wages in the 2nd year of certification and 90% of
33 the average weekly wage as derived from the quarterly census of employment and wages
34 in all following years of certification. Failure to meet any of these requirements results in
35 automatic revocation of certification.

36 **Sec. 6. 36 MRS §6753, sub-§12-A is enacted to read:**

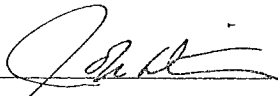
37 **12-A. Quarterly census of employment and wages.** "Quarterly census of
38 employment and wages" means the comprehensive tabulation of employment and wage
39 information for workers produced by the quarterly census of employment and wages
40 program, a cooperative program involving the federal Department of Labor, Bureau of
41 Labor Statistics and the state employment security agencies.'

42 **SUMMARY**

43 Current law requires that a qualified employee in a Pine Tree Development Zone or
44 under the Maine Employment Tax Increment Financing Act be paid a wage greater than

1 the annual per capita personal income in the county in which the qualified employee is
2 employed. This amendment changes this requirement to require that such an employee in
3 a call center in Aroostook County or Washington County be paid a weekly wage greater
4 than the average weekly wage in certain counties. With respect to employees in call
5 centers in Aroostook and Washington counties, in a county in which the average annual
6 unemployment rate is greater than the state average, this wage threshold is 90% of the
7 average weekly wage in certain counties. Upon approval of the Commissioner of
8 Economic and Community Development, a qualified business qualifies for a phase-in of
9 this wage threshold.

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(Representative MARTIN J)
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