

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1923

S.P. 678

In Senate, January 20, 2022

An Act To Establish the Maine Space Corporation

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on January 18, 2022. Referred to the Committee on Innovation, Development, Economic Advancement and Business pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator DAUGHTRY of Cumberland.

Cosponsored by Senators: BREEN of Cumberland, CYRWAY of Kennebec, HICKMAN of Kennebec, Representatives: DODGE of Belfast, Speaker FECTEAU of Biddeford, McCREA of Fort Fairfield, ROBERTS of South Berwick.

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

2 **Sec. 1. 5 MRSA c. 393** is enacted to read:

3 **CHAPTER 393**

4 **MAINE SPACE CORPORATION**

5 **§13201. Maine Space Corporation established**

6 The Maine Space Corporation is established as a body corporate and politic to carry
7 out the purposes of this chapter. The corporation shall leverage the State's geographic,
8 rocketry, manufacturing and higher education assets and capabilities to establish the State
9 as a national and international industry destination and an authority in launching small
10 launch vehicles and small satellites into polar orbit by:

11 **1. Properties.** Acquiring and managing properties within the geographic boundaries
12 of the State to develop and operate the Maine Space Complex and its ancillary facilities;

13 **2. Permits.** Facilitating the acquisition of permits for launch sites from the Federal
14 Government in order to host launch providers;

15 **3. Workforce.** Facilitating the creation of a highly skilled workforce and attracting
16 and retaining young workers in a new space economy;

17 **4. Facilities.** Providing facilities for research and development; small rocket and small
18 satellite manufacturing, integration, testing and evaluation; and education and tourism;

19 **5. Education.** Enhancing science, technology, engineering and mathematics
20 education and engagement in kindergarten to grade 12 and higher education curricula
21 through partnerships with private industry to explore use cases for satellite data;

22 **6. Business intelligence.** Providing satellite-derived business intelligence for local
23 industries to improve decision making;

24 **7. Businesses and jobs.** Facilitating new high-tech and data-driven businesses and
25 jobs creation;

26 **8. Engagement.** Serving as a place to engage and inspire the public through
27 programming;

28 **9. Out-of-state.** Attracting out-of-state businesses, business visitors and tourists to
29 the State; and

30 **10. Revenue.** Creating new revenue and expanding the tax base of the primary impact
31 communities as an international asset.

32 **§13202. Definitions**

33 As used in this chapter, unless the context otherwise indicates, the following terms
34 have the following meanings.

35 **1. Board of directors.** "Board of directors" means the board of directors of the
36 corporation established in section 13203, subsection 4.

1 **2. Bond.** "Bond" means a bond or note or other evidence of indebtedness authorized
2 under this chapter, whether issued under or pursuant to a bond resolution, trust indenture,
3 loan or other security agreement.

4 **3. Corporation.** "Corporation" means the Maine Space Corporation established in
5 section 13201.

6 **4. Maine Space Complex.** "Maine Space Complex" or "complex" means the Maine
7 Space Complex established pursuant to section 13203, subsection 1.

8 **5. New space economy.** "New space economy" means the full range of decentralized,
9 diversified, entrepreneurial and accessible activities and the use of resources and players
10 across industries that create value and benefits to human beings in the course of exploring,
11 researching, understanding, managing and using extraterrestrial space.

12 **6. Operating revenues.** "Operating revenues" means funds available to the
13 corporation from fees, fares and rental or sale of property and miscellaneous revenue and
14 interest not otherwise pledged or dedicated.

15 **7. Primary impact communities.** "Primary impact communities" means Aroostook
16 County, Cumberland County and Washington County.

17 **8. Real or personal property.** "Real or personal property" means properties and
18 assets purchased by the corporation or transferred to the corporation from federal, state,
19 local and private entities and individuals.

20 **§13203. Maine Space Corporation; powers; board of directors; obligations**

21 **1. Maine Space Complex.** The Maine Space Corporation shall establish and promote
22 the Maine Space Complex, which must include but is not limited to the following business
23 units:

24 A. The Maine Space Data and Advanced Analytics Center of Excellence, which must
25 be a state-of-the-art computer center with networks equipped to import or downlink,
26 store, cleanse, manage and analyze satellite data in concert with terrestrial data for the
27 purposes of addressing business and public issues in innovative ways and creating new
28 data products and services;

29 B. The Maine New Space Innovation Hub, which must be an industry meeting place,
30 a hub for new business incubation and acceleration, facilities for satellite and launch
31 vehicle manufacturing and integration and ground control for satellite launch
32 operations. The shared space must contain specialized equipment to facilitate business
33 research and development, academic and scientific inquiry and a kindergarten to grade
34 12 learning center and must be designed to attract both in-state and out-of-state
35 interests; and

36 C. Maine Launch Sites and Services, which must consist of staging and launch sites
37 for sending small vehicles with nanosatellites into polar orbit.

38 **2. Additional powers.** The Maine Space Corporation may:

39 A. Sue and be sued;

40 B. Adopt bylaws or rules consistent with this chapter for the governance of its affairs;

41 C. Exercise all of the general powers of corporations under Title 13-C, section 302;

- 1 D. Provide for public safety by imposing appropriate rules, regulating appropriate use
2 of the complex's facilities and ensuring compliance with rules as they apply to the use
3 of the complex's facilities;
- 4 E. Charge and collect fees, charges and rents for the use of the complex's properties
5 and other services and use the proceeds of those fees, charges and rents for the purposes
6 provided in this chapter, subject to and in accordance with any agreement with
7 bondholders that may be made as provided in this chapter;
- 8 F. Contract with the Federal Government or its instrumentalities or agencies; the State
9 or its agencies, instrumentalities or municipalities; public bodies; private corporations;
10 partnerships; associations; and individuals to carry out the purposes of this chapter;
- 11 G. Accept the aid and cooperation of the Federal Government or its agencies in the
12 construction, maintenance, reconstruction, operation and financing of the complex's
13 facilities and take necessary actions to make use of that aid and cooperation;
- 14 H. Borrow money and apply for and accept advances, loans, grants, contributions and
15 other forms of financial assistance from the Federal Government, the State, a
16 municipality or other public body or from other sources, public or private, for the
17 purposes of this chapter and give any security that is required and enter into and carry
18 out contracts in connection with any financial assistance;
- 19 I. Borrow money and make, issue and sell at public or private sale negotiable notes,
20 bonds and other evidences of indebtedness or obligation of the corporation for the
21 purposes of this chapter and secure the payment of that indebtedness or obligation or
22 any part of that indebtedness or obligation by pledge of all or any part of the operating
23 revenues of the corporation;
- 24 J. Enter into loan or security agreements with one or more lending institutions,
25 including, but not limited to, banks, insurance companies and institutions that
26 administer pension funds, or with trustees of those institutions, for the issuance of
27 bonds and exercise with respect to those loan or security agreements all of the powers
28 delineated in this chapter for the issuance of bonds;
- 29 K. Provide from operating revenues for the maintenance, construction or
30 reconstruction of facilities to ensure the public safety for which the corporation has not
31 otherwise provided;
- 32 L. Adopt rules for the administration of this chapter. Rules adopted pursuant to this
33 paragraph are routine technical rules pursuant to chapter 375, subchapter 2-A; and
- 34 M. Take all other lawful action necessary and incidental to these powers.
- 35 **3. Members of corporation.** Members of the corporation are individuals and
36 organizations that pay dues to the corporation. Memberships may be set at different levels.
- 37 A. Members are private individuals, partnerships, small and large businesses, federal,
38 state and local governmental entities, private and public higher education institutions
39 and other public or quasi-public entities that are interested in advancing the State's new
40 space economy.
- 41 B. Other than the right to vote on matters as specified in the bylaws of the corporation,
42 the members have no authority to manage or direct the affairs and activities of the
43 corporation.

1 **4. Board of directors.** The Board of Directors of the Maine Space Corporation
2 consists of 15 directors, of whom 6 directors are ex officio as specified in paragraph B, and
3 9 directors are appointed as specified in paragraph C. Each director is entitled to one vote.

4 A. The board of directors has the full authority to direct the affairs and activities of the
5 corporation.

6 B. Ex officio members of the board of directors are:

7 (1) The Commissioner of Economic and Community Development or the
8 commissioner's designee;

9 (2) The President of the Maine Technology Institute or the president's designee;

10 (3) The Chancellor of the University of Maine System or the chancellor's designee;

11 (4) The President of the Maine Community College System or the president's
12 designee;

13 (5) The executive director of the Midcoast Regional Redevelopment Authority or
14 the executive director's designee; and

15 (6) The executive director of the Loring Development Authority of Maine or the
16 executive director's designee.

17 C. The members of the board who are not ex officio members are appointed by the
18 Governor and subject to confirmation by the Senate and must be individuals or
19 representatives of organizations that are in a position to advance the purposes and goals
20 of the corporation and are able to have a significant impact on improving the State's
21 space economy infrastructure as specified in the bylaws of the corporation.
22 Membership under this paragraph must include:

23 (1) A representative of a business in the State with fewer than 25 employees that
24 is involved in the aerospace industry;

25 (2) A representative of a business in the State with 25 or more employees that is
26 involved in the aerospace industry;

27 (3) A resident of Aroostook County;

28 (4) A resident of Cumberland County;

29 (5) A resident of Washington County;

30 (6) A representative of a nonprofit research organization in the State that uses
31 satellite-based data;

32 (7) A representative of an elementary or secondary school in the State;

33 (8) A representative of a business that is involved in innovation and research and
34 development in satellite development and manufacturing, data and analytics or
35 launch services; and

36 (9) A representative of business investors.

37 The terms of the members of the board of directors who are not ex officio members
38 must be staggered as specified in the bylaws of the corporation.

39 D. The board of directors shall elect a chair and vice-chair from among its members.
40 The corporation may employ an executive director, technical experts and other agents

1 and employees, permanent and temporary, as required and may determine their
2 qualifications, duties and compensation. For required legal services, the corporation
3 may employ or retain its own counsel and legal staff.

4 E. For transacting business at board meetings, a majority of directors then in office
5 constitutes a quorum. The vote of a majority of the directors present at board meetings
6 constitutes the act of the board of directors.

7 **5. Liability.** The liability of the corporation is governed by the Maine Tort Claims
8 Act. A member of the board of directors or an employee of the corporation is not subject
9 to any personal liability for having acted in the service of the member's or employee's duty
10 as a member of the board of directors or an employee of the corporation within the course
11 and scope of membership or employment to carry out a power or duty under this chapter.
12 The corporation shall indemnify a member of the board of directors or an employee of the
13 corporation against expenses actually and necessarily incurred in connection with the
14 defense of an action or proceeding in which a member of the board of directors or an
15 employee of the corporation is made a party by reason of past or present association with
16 the corporation.

17 **6. Expenses.** A member of the board of directors is not entitled to receive
18 compensation for services to the corporation but is entitled to receive reimbursement for
19 necessary expenditures, including travel expenses incurred in carrying out those services.

20 **§13204. Use of operating revenues**

21 **1. Principal use of revenues.** Operating revenues must be used principally to reinvest
22 in the properties held by the corporation.

23 **2. Permitted liability limited.** All expenses incurred in carrying out the provisions
24 of this chapter must be paid solely from funds provided by the corporation, and liability or
25 obligation may not be incurred under this chapter beyond the extent to which funds have
26 been provided by the corporation.

27 **3. Equal opportunity employers.** Contractors and subcontractors on corporation
28 construction and reconstruction projects must be equal opportunity employers and, for
29 contracts of more than \$250,000, shall pursue in good faith affirmative action programs as
30 defined in section 782.

31 **§13205. Property of corporation**

32 The corporation may hold and acquire property as set out in this section.

33 **1. Lease or sale.** Properties may be leased, purchased or sold to develop and operate
34 the Maine Space Complex as determined appropriate by the corporation. Resources
35 acquired as a result of the lease or sale of these properties become operating revenues or
36 assets of the corporation.

37 **2. Authority for transfers of interest in land to corporation.** Upon the corporation's
38 request, on reasonable and fair terms and conditions and without the necessity for
39 advertisement, order of court or action or formality other than the regular and formal action
40 of the authorities concerned, counties, municipalities, public agencies or instrumentalities
41 of the State, public service corporations and special districts may lease, lend, grant or
42 convey to the corporation real or personal property or rights in that property that may be
43 necessary or convenient for the effectuation of the authorized purposes of the corporation.

1 including real and personal property or rights in that property already devoted to public
2 use. As used in this subsection, "public service corporation" includes a public utility as
3 defined in Title 35-A, section 102, subsection 13 and a corporation under Title 13-C.

4 **§13206. Maine Space Complex Fund**

5 **1. Maine Space Complex Fund established.** There is established a nonlapsing fund
6 to be known as the Maine Space Complex Fund, referred to in this section as "the fund,"
7 for the purpose of receiving funds from the State and gifts, grants, devises, bequests, trusts
8 or security documents to support the operations of the corporation and the Maine Space
9 Complex. The State shall credit to the fund any appropriation made to the corporation in
10 the fiscal year in which the appropriation is made.

11 A. The fund must be used to:

12 (1) Purchase, lease, acquire, own, improve, use, sell, convey, transfer or otherwise
13 deal in and with a corporation property, a corporation project or any interest in the
14 corporation property or corporation project, whether tangible or intangible, as
15 otherwise authorized under this chapter;

16 (2) Pay the costs of operating, maintaining, improving and repairing all property
17 and projects of the corporation;

18 (3) Pay the costs of administering and operating the corporation, including, but
19 not limited to, all wages, salaries, benefits and other expenses authorized by the
20 board of directors or the executive director;

21 (4) Pay the principal and premium, if any, and the interest on the outstanding bonds
22 of the corporation related to a corporation property or corporation project as they
23 become due and payable;

24 (5) Create and maintain reserves required or provided for in any law authorizing
25 or any security document securing the bonds of the corporation related to a
26 corporation property or corporation project;

27 (6) Create and maintain a capital improvement fund for a corporation property and
28 corporation project established by the board of directors;

29 (7) Pay all taxes owed by the corporation related to a corporation property or
30 corporation project; and

31 (8) Pay all expenses incident to the management and operation of the corporation.

32 B. The fund constitutes a continuing appropriation for the benefit of the corporation.
33 Any amount remaining in the fund at the close of any fiscal year is carried over and
34 credited to the fund for the succeeding year.

35 C. Money in the fund must be paid to the corporation on manifests approved by the
36 Governor and Legislature in the same manner as other state claims are paid.

37 D. The revenues received by and due to the corporation from all sources other than
38 state appropriation must be retained by the corporation and must be used in such a
39 manner as the board of directors determines consistent with the provisions of this
40 section or as otherwise provided by law or by the terms and conditions of any gift,
41 grant, devise, bequest, trust or security document.

42 **§13207. Bonds**

1 **1. Hearing required.** The corporation may issue bonds to finance its activities only
2 after giving notice of the proposed issuance and its terms at least twice in a newspaper of
3 general circulation in the appropriate primary impact community and holding a duly
4 advertised public hearing on the issuance.

5 **2. Authority.** The corporation may issue bonds from time to time in its discretion to
6 finance the undertaking of an authorized activity under this chapter, including, but not
7 limited to, the payment of principal and interest upon advances for surveys and plans, and
8 may issue refunding bonds for the payment or retirement of bonds previously issued.

9 A. The principal and interest of bonds must be made payable solely from the income,
10 proceeds, revenues and funds of the corporation derived from or held for activities
11 under this chapter. Payment of the principal and interest of bonds may be further
12 secured by a pledge of a loan, grant or contribution from the Federal Government or
13 other source in aid of activities of the corporation under this chapter and by a mortgage
14 of an urban activity or a project or part of a project, title to which is in the corporation.

15 B. Bonds issued under this section do not constitute an indebtedness within the
16 meaning of any constitutional or statutory debt limitation or restriction and are not
17 subject to other laws or charters relating to the authorization, issuance or sale of bonds.
18 Bonds issued under this chapter are declared to be issued for an essential public and
19 governmental purpose and, together with interest on and income from the bonds, are
20 exempt from all taxes.

21 C. Bonds may not be issued by the corporation until the corporation has received a
22 certificate of approval from the Finance Authority of Maine authorizing issuance of the
23 bonds. Before issuing a certificate of approval under this section, the Finance
24 Authority of Maine must determine that there is a reasonable likelihood that the
25 income, proceeds, revenues and funds of the corporation derived from or held for
26 activities under this chapter or otherwise pledged to payment of the bonds will be
27 sufficient to pay the principal, the interest and all other amounts that may at any time
28 become due and payable under the bonds. In making this determination, the Finance
29 Authority of Maine shall consider the corporation's analysis of the proposed bond issue
30 and the revenues to make payments on the bonds and may require such information,
31 projections, studies and independent analyses as it considers necessary or desirable and
32 may charge the corporation reasonable fees and expenses. The issuance by the Finance
33 Authority of Maine of a certificate of approval under this section does not constitute
34 an endorsement of the bonds or the projects or purposes for which those bonds are
35 issued, and the corporation or any other person or entity, including, without limitation,
36 any holder of bonds of the corporation, has no cause of action against the Finance
37 Authority of Maine with respect to any certificate of approval. The Finance Authority
38 of Maine may require that it be indemnified, defended and held harmless by the
39 corporation for any liability or cause of action arising with respect to the bonds.

40 **3. General characteristics.** Bonds authorized under this section may be issued in one
41 or more series. The resolution, trust indenture or mortgage under which the bonds are
42 issued may include the following:

43 A. The date or dates borne by the bonds;

44 B. Whether the bonds are payable upon demand or mature at a certain time or times;

- 1 C. The interest rate or rates of the bonds;
- 2 D. The denomination or denominations of the bonds;
- 3 E. The form of the bonds, whether coupon or registered;
- 4 F. The conversion or registration privileges carried by the bonds;
- 5 G. The rank or priority of the bonds;
- 6 H. The manner of execution of the bonds;
- 7 I. The medium and place or places of payment of the bonds;
- 8 J. The terms of redemption of the bonds, with or without premium;
- 9 K. The manner in which the bonds are secured; and
- 10 L. Any other characteristics of the bonds.

11 **4. Price sold.** The bonds may be:

- 12 A. Exchanged for other bonds on the basis of par;
- 13 B. Sold to the Federal Government at private sale at not less than par. If less than all
14 of the authorized principal amount of the bonds is sold to the Federal Government, the
15 balance may be sold at private sale at not less than par at an interest cost to the
16 corporation that does not exceed the interest cost to the corporation of the portion of
17 the bonds sold to the Federal Government; or
- 18 C. Sold to a person on such terms as the corporation may negotiate.

19 **5. Signatures of outgoing officers; negotiability.** If an official of the corporation
20 whose signature appears on a bond or coupon issued under this chapter ceases to be an
21 official before the bond is delivered, the signature is nevertheless valid for all purposes as
22 if the official had remained in office until the delivery. Notwithstanding contrary
23 provisions of law, bonds issued under this chapter are fully negotiable.

24 **6. Bond recitation; conclusive presumptions.** In actions or proceedings involving
25 the validity or enforceability of a bond issued under this chapter or the security for that
26 bond, a bond reciting in substance that it has been issued by the corporation in connection
27 with an activity is conclusively deemed to have been issued for that purpose and the activity
28 is conclusively deemed to have been planned, located and carried out in accordance with
29 this chapter.

30 **7. No personal liability; not debt of State.** A member of the board of directors and
31 the person executing the bonds are not liable personally on the bonds by reason of the
32 issuance of the bonds. The bonds and other obligations of the corporation must have stated
33 on their face that they are not a debt of the State and that the State is not liable on the bonds.
34 The bonds or obligations may not be payable out of funds or properties other than those of
35 the corporation acquired for the purposes of this chapter.

36 **8. Bonds as legal investments.** Public officers, municipal corporations, political
37 subdivisions and public bodies; banks, trust companies, bankers, savings banks and
38 institutions, building and loan associations, savings and loan associations, investment
39 companies and other persons carrying on a banking business; insurance companies,
40 insurance associations and other persons carrying on an insurance business; and executors,
41 administrators, curators, trustees and other fiduciaries may legally invest sinking funds,

1 money or other funds belonging to them or within their control in bonds or other obligations
2 issued by the corporation under this chapter. These bonds or other obligations are
3 authorized security for all public deposits. It is the purpose of this section to authorize
4 persons, political subdivisions and officers, public or private, to use funds owned or
5 controlled by them for the purchase of these bonds or other obligations. This section does
6 not relieve a person of any duty or of exercising reasonable care in selecting securities.

7 **9. Investment of funds; redemption of bonds.** The corporation may:

8 A. Invest, in property or securities in which savings banks may legally invest funds
9 subject to their control, funds held in reserves, sinking funds or funds not required for
10 immediate disbursement; and

11 B. Cancel its bonds by redeeming them at the redemption price established in the bonds
12 or by purchasing them at less than redemption price.

13 **§13208. Interest of public officials, directors or employees**

14 **1. Acquisition of interest.** A public official, member of the board of directors or
15 employee of the corporation may not acquire or hold a direct or an indirect financial or
16 personal interest in:

17 A. A corporation activity;

18 B. Corporation property; or

19 C. A contract or proposed contract in connection with a corporation activity.

20 **2. Present or past interest in property.** If a public official, member of the board of
21 directors or employee of the corporation presently owns or controls, or owned or controlled
22 within the preceding 2 years, a direct or an indirect interest in property known to be
23 included or planned to be included in a corporation activity, that public official, trustee or
24 employee shall disclose this fact immediately in writing to the board of directors and the
25 disclosure must be entered in the board's minutes.

26 **3. Recusal.** A public official, member of the board of directors or employee of the
27 corporation with an interest in property under this section may not participate in an action
28 by the corporation affecting that property.

29 **4. Violation.** A violation of this section is a Class E crime.

30 **§13209. Exemption from execution**

31 **1. Property exempt from execution.** The real and personal property, including funds,
32 of the corporation is exempt from levy and sale by virtue of an execution. An execution or
33 other judicial process may not be issued against the corporation's real and personal
34 property, and a judgment against the corporation may not be a charge or lien upon its real
35 and personal property.

36 **2. Construction; limitation of application.** This section does not:

37 A. Prohibit the corporation from making payments in lieu of taxes to a municipality;
38 or

39 B. Apply to or limit the right of an obligee to foreclose or otherwise enforce a mortgage
40 of the corporation or to pursue remedies for the enforcement of a pledge or lien given

1 by the corporation on its rents, fees, grants, revenues or other sources pledged by the
2 corporation to the payment of its bonds.

3 **§13210. Maine Space Complex Job Increment Financing Fund**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Affiliated business" means one of 2 businesses exhibiting either of the following
7 relationships:

8 (1) One business owns 50% or more of the stock of the other business or owns a
9 controlling interest in the other; or

10 (2) Fifty percent of the stock of each business or a controlling interest in each
11 business is directly or indirectly owned by a common owner or owners.

12 B. "Assessor" means the State Tax Assessor.

13 C. "Base level of employment" means either the total employment of an employer as
14 of March 31st, June 30th, September 30th and December 31st of the calendar year
15 immediately preceding the date the employer begins operations at the complex and its
16 ancillary facilities divided by 4 or its average employment during the base period,
17 whichever is greater.

18 D. "Base period" means the 3 calendar years prior to the year in which an employer
19 begins operations at the complex and its ancillary facilities.

20 E. "Commissioner" means the Commissioner of Economic and Community
21 Development.

22 F. "Fund" means the Maine Space Complex Job Increment Financing Fund established
23 pursuant to subsection 2.

24 G. "Job tax increment" means that level of state income tax withholding attributed to
25 any employees employed within the complex and its ancillary facilities above the base
26 level of employment for an employer in the complex and its ancillary facilities or its
27 average employment during the base period. "Job tax increment" does not include
28 withholding from employees or positions shifted by an employer as calculated
29 generally pursuant to Title 36, chapter 917. The shifting restriction must apply to all
30 employers in the complex and its ancillary facilities.

31 **2. Fund established.** The Maine Space Complex Job Increment Financing Fund is
32 established to receive job tax increment transfers from job creation in the properties leased
33 or owned by the corporation. The fund must receive annually from the State the amount
34 calculated under subsection 5.

35 **3. Limitations.** The fund is subject to the following limitations.

36 A. Payments from the fund allocated to the corporation must be used solely to fund
37 the costs of:

38 (1) Municipal services, including, but not limited to, water, sewer, electricity,
39 telecommunications, fire protection, police protection, sanitation services and the
40 maintenance of buildings, facilities, grounds and roads in the complex and its
41 ancillary facilities; and

1 (2) Higher education services, including, but not limited to, faculty and staff
2 salaries and instruction, operations, equipment, maintenance and financing costs,
3 which include but are not limited to closing costs, issuance costs and interest paid
4 to holders of evidences of indebtedness issued to pay for project costs and any
5 premium paid over the principal amount of that indebtedness because of the
6 redemption of the obligations before maturity.

7 B. To the extent that revenues received by the fund are not expended for current costs
8 under paragraph A, the fund must retain the revenues to defray future costs under that
9 paragraph.

10 C. State income tax withholding eligible for reimbursement to a qualified business
11 pursuant to Title 36, chapter 917 or to a qualified Pine Tree Development Zone
12 business under Title 30-A, chapter 206 is not eligible for use in the calculation of a
13 payment to the fund under subsections 4 and 5. State income tax withholding under
14 Title 36, chapter 919 or any other tax credit or reimbursement program based on state
15 income tax withholding is not eligible for use in calculation of a payment to the fund
16 under subsections 4 and 5.

17 **4. Certification by authority.** By February 15th of each year, beginning in 2023, the
18 corporation shall provide a report identifying each employer located at the complex and its
19 ancillary facilities to the commissioner. The commissioner shall certify annually to the
20 assessor on or before June 30th of each year, beginning in 2023, the following information:

21 A. Employment, payroll and state withholding data necessary to calculate the base
22 level of employment at the complex and its ancillary facilities;

23 B. The total number of employees added during the previous year within the complex
24 and its ancillary facilities above the base level of employment, including additional
25 associated payroll and state withholding data necessary to calculate the job tax
26 increment and establish the appropriate payment to the fund;

27 C. A listing of all employers within the complex and its ancillary facilities that pay
28 state withholding taxes, the locations of those employers and the number of employees
29 at each location;

30 D. A listing of all affiliated businesses, data regarding current employment, payroll
31 and state income tax withholding for each affiliated business within the complex and
32 its ancillary facilities; and

33 E. Any information required by the assessor to determine the employment tax
34 increment revenues pursuant to Title 36, chapter 917.

35 **5. Procedure for payment of revenue to fund.** On or before July 15th of each year,
36 the assessor shall review the information required by subsection 4 and calculate the job tax
37 increment for the preceding calendar year. The assessor shall also calculate the
38 employment tax increment in the complex and its ancillary facilities for reimbursement to
39 qualified businesses and qualified Pine Tree Development Zone businesses pursuant to
40 Title 36, chapter 917. On or before July 15th of each year, the assessor shall certify to the
41 State Controller the total remaining job tax increment after reimbursements have been
42 made to qualified businesses and qualified Pine Tree Development Zone businesses
43 pursuant to Title 36, chapter 917. On or before July 31st of each year, the State Controller
44 shall transfer 50% of the remaining job tax increment to the state job tax increment

1 contingent account established, maintained and administered by the State Controller from
2 General Fund undedicated revenue within the withholding tax category. On or before July
3 31st of each year, the State Controller shall deposit this revenue into the fund.

4 **6. Administration.** The Commissioner of Administrative and Financial Services shall
5 administer the fund and may adopt rules for implementation of the fund. Rules adopted
6 pursuant to this subsection are routine technical rules pursuant to chapter 375, subchapter
7 2-A.

8 **§13211. Termination of corporation**

9 The corporation is not dissolved until:

10 **1. Legislature provides for termination.** It is terminated by the Legislature; and

11 **2. Payment of bonds, premium and interest.** The bonds, premium, if any, and
12 interest have been paid or a sufficient amount for the payment of the bonds and interest to
13 maturity or a prior redemption date have been irrevocably set aside in trust for the benefit
14 of the bondholders.

15 **§13212. Annual report**

16 **1. Annual financial report.** The corporation shall submit annually to the Governor,
17 the Executive Director of the Legislative Council and the joint standing committee of the
18 Legislature having jurisdiction over economic development matters, not later than 120 days
19 after the close of the corporation's fiscal year, a complete report on the activities of the
20 corporation. The report may also be provided to any other member of the Legislature and
21 to any other person. The report must include all of the following for the previous fiscal
22 year:

23 A. A description of the corporation's operations;

24 B. An accounting of the corporation's receipts and expenditures, assets and liabilities
25 at the end of its fiscal year;

26 C. A listing of all property transactions pursuant to section 13205;

27 D. An accounting of all activities related to the Maine Space Complex Fund under
28 section 13206;

29 E. A listing of any bonds issued during the fiscal year under section 13207;

30 F. A statement of the corporation's proposed and projected activities for the ensuing
31 year; and

32 G. Recommendations regarding further actions that may be suitable for achieving the
33 purposes of this chapter.

34 **SUMMARY**

35 This bill establishes the Maine Space Corporation to leverage the State's geographic,
36 rocketry, manufacturing and higher education assets and capabilities to establish the State
37 as a national and international industry destination and an authority in launching small
38 launch vehicles and small satellites into polar orbit. The corporation may establish and
39 promote the Maine Space Complex, which is to include the following business units:

1 1. The Maine Space Data and Advanced Analytics Center of Excellence, a state-of-
2 the-art computer center with networks equipped to import or downlink, store, cleanse,
3 manage and analyze satellite data in concert with terrestrial data for the purposes of
4 addressing business and public issues in innovative ways and creating new data products
5 and services;

6 2. The Maine New Space Innovation Hub, an industry meeting place, a hub for new
7 business incubation and acceleration, facilities for satellite and launch vehicle
8 manufacturing and integration and ground control for satellite launch operations containing
9 specialized equipment to facilitate business research and development, academic and
10 scientific inquiry and a kindergarten to grade 12 learning center and designed to attract both
11 in-state and out-of-state interests; and

12 3. Maine Launch Sites and Services, staging and launch sites for sending small
13 vehicles with nanosatellites into polar orbit.

14 The bill also establishes the Maine Space Complex Fund for the purpose of receiving
15 funds from the State and gifts, grants, devises, bequests, trusts or security documents to
16 support the operations of the corporation and the complex and the Maine Space Complex
17 Job Increment Financing Fund to receive job tax increment transfers from job creation in
18 the properties leased or owned by the corporation.