

MAINE STATE LEGISLATURE

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Date: 4/5/24

(Filing No. S-~~del~~)

INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND
BUSINESS

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STATE OF MAINE
SENATE
131ST LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 930, L.D. 2191, "An Act to Provide Relief to Small Businesses Affected by Severe Weather-related Events"

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

'An Act to Provide Relief to Small Businesses, Landowners and Logging Contractors Affected by Severe Weather-related Events'

Amend the bill in the emergency preamble in the 3rd paragraph in the last line (page 1, line 6 in L.D.) by inserting after the following: "State" the following: ', and that loss of revenue experienced by those small businesses constitutes an emergency'

Amend the bill in the emergency preamble by striking out all of the 4th paragraph (page 1, lines 7 and 8 in L.D.) and inserting the following:

'Whereas, certain landowners and logging contractors have also experienced substantial damages or losses in connection with the salvage of trees damaged during those same severe weather-related events and associated land reclamation activities; and'

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

Sec. 1. 5 MRSA §13056-K is enacted to read:

§13056-K. Small Business Weather Emergency Relief Program

1. Program established. The Small Business Weather Emergency Relief Program, referred to in this section as "the program," is established within the department to provide relief payments to eligible small businesses in the State affected by severe weather-related events.

2. Fund established. The Small Business Weather Emergency Relief Fund, referred to in this section as "the fund," is established as a nonlapsing fund within the department for the purpose of providing funds for the program. The fund consists of money

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1 appropriated to the fund by the Legislature and any other public or private funds received
2 by the department for the purposes of the program.

3 **3. Rulemaking.** The department shall adopt rules necessary for the implementation
4 and administration of the program. Rules adopted pursuant to this subsection are routine
5 technical rules as defined in chapter 375, subchapter 2-A and must establish the criteria for
6 eligibility for relief payments from the program and the application process, including, but
7 not limited to:

8 A. Provisions requiring that eligible damages or losses occurred within the State and
9 were caused by or related to a severe weather-related event for which the Governor, on
10 or after September 1, 2023, declares a disaster or civil emergency pursuant to Title
11 37-B, section 742 for the State or for the location in the State in which the damages or
12 losses occurred;

13 B. Provisions limiting eligibility under the program to businesses with 500 or fewer
14 employees that were in operation or established at the location in which the damages
15 or losses occurred at least 6 months prior to the date those damages or losses occurred.
16 Eligible businesses include, but are not limited to, nonprofit organizations; veterans'
17 organizations; organizations associated with a federally recognized Indian nation, tribe
18 or band in the State; self-employed individuals, independent contractors and sole
19 proprietorships; child care facilities; and owners of land enrolled in the Maine Tree
20 Growth Tax Law that can demonstrate the use of that land for a tourism-related
21 purpose;

22 C. Provisions requiring as a condition of a relief payment under the program that an
23 eligible small business demonstrate its intent and plan to resume operation at the
24 location in which the damages or losses occurred or elsewhere within the State; and

25 D. Provisions limiting the expenditure of relief payments by an eligible small business
26 to the offset of incurred business-related damages or losses, or to otherwise address
27 such damages or losses, including, but not limited to, retail inventory damages or
28 losses, including perishable goods; damage to or loss of machinery and other
29 equipment relating to the operation of the business; property damage, including
30 building, structural and other private infrastructure damage, including damage to
31 landscape, hardscape and other grounds damage and damage to roads, bridges and
32 culverts; damage to nonmotorized, motorized and multi-use trails, trailheads and
33 trailside amenities; and lost revenue from business interruptions caused by or relating
34 to the severe weather-related event.

35 **Sec. 2. 5 MRSA §13056-L** is enacted to read:

36 **§13056-L. Weather Emergency Wood Salvage Grant Program**

37 **1. Program established.** The Weather Emergency Wood Salvage Grant Program,
38 referred to in this section as "the program," is established within the department to provide
39 grant payments to eligible landowners and logging contractors that suffered damages or
40 losses relating to wood salvage and associated land reclamation activities as a result of
41 severe weather-related events.

42 **2. Fund established.** The Weather Emergency Wood Salvage Fund, referred to in
43 this section as "the fund," is established as a nonlapsing fund within the department for the
44 purpose of providing funds for the program. The fund consists of money appropriated to

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1 the fund by the Legislature and any other public or private funds received by the department
2 for the purposes of the program.

3 **3. Rulemaking.** The department shall adopt rules necessary for the implementation
4 and administration of the program. Rules adopted pursuant to this subsection are routine
5 technical rules as defined in chapter 375, subchapter 2-A and must establish the criteria for
6 eligibility for grant payments from the program and the application process, including, but
7 not limited to:

8 A. Provisions requiring that eligible damages or losses occurred within the State and
9 were caused by or related to a severe weather-related event for which the Governor, on
10 or after September 1, 2023, declares a disaster or civil emergency pursuant to Title
11 37-B, section 742 for the State or for the location in the State in which the damages or
12 losses occurred;

13 B. Provisions limiting eligibility under the program to landowners or logging
14 contractors that, as a result of a severe weather-related event, sustained damages or
15 losses relating to wood salvage and associated land reclamation activities, including,
16 but not limited to, the repair of roads or landings necessary to facilitate the wood
17 salvage and associated land reclamation activities;

18 C. Provisions requiring as a condition of a grant payment under the program that an
19 eligible landowner or logging contractor provide documentation demonstrating the
20 estimated or actual wood salvage and associated land reclamation costs incurred as a
21 result of a severe weather-related event; and

22 D. Provisions limiting the expenditure of grant payments under the program by an
23 eligible landowner or logging contractor to the offset of incurred damages or losses
24 relating to wood salvage and associated land reclamation activities, or to otherwise
25 address such damages or losses.

26 As used in this section, "wood salvage" means the removal of dead, damaged or
27 diseased trees to recover maximum value prior to deterioration.

28 **Sec. 3. Small Business Weather Emergency Relief Program; rules.** The
29 Department of Economic and Community Development shall, within 120 days of the
30 effective date of this Act, adopt rules necessary for the implementation and administration
31 of the Small Business Weather Emergency Relief Program pursuant to the Maine Revised
32 Statutes, Title 5, section 13056-K, subsection 3.

33 **Sec. 4. Weather Emergency Wood Salvage Grant Program; rules.** The
34 Department of Economic and Community Development shall, within 120 days of the
35 effective date of this Act, adopt rules necessary for the implementation and administration
36 of the Weather Emergency Wood Salvage Grant Program pursuant to the Maine Revised
37 Statutes, Title 5, section 13056-L, subsection 3.

38 **Sec. 5. Appropriations and allocations.** The following appropriations and
39 allocations are made.

40 **ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF**
41 **Small Business Weather Emergency Relief Fund N479**

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COMMITTEE AMENDMENT "A" to S.P. 930, L.D. 2191 (S LeLeL)

1 Initiative: Provides one-time funds for payments to eligible small businesses for relief from
2 severe weather-related events under the Small Business Weather Emergency Relief
3 Program established in the Maine Revised Statutes, Title 5, section 13056-K.

4	GENERAL FUND	2023-24	2024-25
5	All Other	\$50,000,000	\$0
6			
7	GENERAL FUND TOTAL	<u>\$50,000,000</u>	<u>\$0</u>

8 **Weather Emergency Wood Salvage Fund N486**

9 Initiative: Provides one-time funds for grants for wood salvage and associated land
10 reclamation activities to eligible landowners and logging contractors affected by severe
11 weather-related events under the Weather Emergency Wood Salvage Grant Program
12 established in the Maine Revised Statutes, Title 5, section 13056-L.

13	GENERAL FUND	2023-24	2024-25
14	All Other	\$2,500,000	\$0
15			
16	GENERAL FUND TOTAL	<u>\$2,500,000</u>	<u>\$0</u>

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18 **ECONOMIC AND COMMUNITY**
19 **DEVELOPMENT, DEPARTMENT OF**
20 **DEPARTMENT TOTALS**

21		2023-24	2024-25
22	GENERAL FUND	\$52,500,000	\$0
23			
24	DEPARTMENT TOTAL - ALL FUNDS	<u>\$52,500,000</u>	<u>\$0</u>

25

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

28 **SUMMARY**

29 This amendment replaces the bill and changes the title. It establishes the Small
30 Business Weather Emergency Relief Program to provide relief payments to small
31 businesses affected by severe weather-related events on or after September 1, 2023 and
32 directs the Department of Economic and Community Development to adopt rules for the
33 administration of the program, including eligibility requirements and application processes,
34 within 120 days of the effective date of this legislation. The amendment includes a one-
35 time General Fund appropriation to the department for the program of \$50,000,000 in fiscal
36 year 2023-24.

37 The amendment also establishes the Weather Emergency Wood Salvage Grant
38 Program to provide grants for wood salvage and associated land reclamation activities to
39 eligible landowners and logging contractors affected by severe weather-related events on
40 or after September 1, 2023 and directs the Department of Economic and Community
41 Development to adopt rules for the administration of the program, including eligibility
42 requirements and application processes, within 120 days of the effective date of this

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COMMITTEE AMENDMENT "A" to S.P. 930, L.D. 2191 (S. Leal)

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legislation. The amendment includes a one-time General Fund appropriation to the department for the program of \$2,500,000 in fiscal year 2023-24.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



131st MAINE LEGISLATURE

LD 2191

LR 3012(02)

An Act to Provide Relief to Small Businesses Affected by Severe Weather-related Events

Fiscal Note for Bill as Amended by Committee Amendment "A" (S. Lalal)
 Committee: Innovation, Development, Economic Advancement and Business
 Fiscal Note Required: Yes

Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Net Cost (Savings)				
General Fund	\$52,500,000	\$0	\$0	\$0
Appropriations/Allocations				
General Fund	\$52,500,000	\$0	\$0	\$0

Fiscal Detail and Notes

This bill includes one-time General Fund appropriations totaling \$52,500,000 in fiscal year 2023-24 to the Department of Economic and Community Development. Of that amount, \$50,000,000 is appropriated on a one-time basis to a newly created Small Business Weather Emergency Relief Fund to provide payments to eligible small businesses for relief from severe weather-related events under the Small Business Emergency Relief Program established in the Maine Revised Statutes, Title 5, section 13056-K. Additionally, \$2,500,000 is appropriated on a one-time basis to a newly created Weather Emergency Wood Salvage Fund for grants for wood salvage and associated land reclamation activities to eligible landowners and logging contractors affected by severe weather-related events under the Weather Emergency Wood Salvage Program established in the Maine Revised Statutes, Title 5, section 13056-L.