

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

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PUBLIC LAWS OF THE STATE OF MAINE  
AS PASSED AT  
THE SECOND SPECIAL SESSION OF THE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
1995

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**CHAPTER 706**

**S.P. 775 - L.D. 1894**

**An Act to Assist in the Retention of  
Maine Jobs**

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

**Sec. 1. 5 MRSA §1513, sub-§1-G** is enacted to read:

**1-G. Transfer from Maine Rainy Day Fund; Job Retention Program.** Notwithstanding subsection 2 and section 1585, \$1,250,000 in fiscal year 1996-97 must be transferred from the available balance in the Maine Rainy Day Fund to the Job Retention Program in the Department of Economic and Community Development to be made available by financial order, upon the recommendation of the State Budget Officer and approval of the Governor, to be used to assist in the retention of jobs in the State.

**Sec. 2. 5 MRSA §13063-C** is enacted to read:

**§13063-C. Job Retention Program**

**1. Establishment.** The Job Retention Program is established within the Department of Economic and Community Development to encourage the retention of existing quality jobs in this State. Funds available in this program do not lapse but must be carried forward, except as provided in subsection 4, in order to carry out the purposes of this section.

**2. Definitions.** As used in this section the following terms have the following meanings.

A. "Certified retained business" means any for-profit business in this State other than a public utility as defined by Title 35-A, section 102 that retains 100 or more qualified employees in this State and that meets all of the following criteria to the satisfaction of the commissioner:

(1) The business is not engaged in retail operations; or, if it is engaged in retail operations, less than 50% of its total annual revenues from state-based operations are derived from sales taxable in this State or the business can demonstrate to the commissioner by a preponderance of the evi-

dence that any increased sales will not include sales tax revenues derived from a transferring or shifting of retail sales from other businesses in this State; and

(2) The commissioner determines that the business is a successor to a business that would have ceased operations in this State but for the acquisition of that business after September 1, 1996 by the applicant by any means and the applicant demonstrates to the commissioner its intention to continue to operate and employ qualified employees in the State.

For purposes of this subsection, "retail operations" means sales of consumer goods for household use to consumers who personally visit the business location to purchase the goods.

B. "Qualified employees" means full-time employees who are employed by a certified retained business, 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, calculated on a calendar year basis, is greater than the average annual per capita income in the labor market area in which the qualified employee is employed. Qualified employees must be residents of this State.

**3. Expenditures from the program.** The commissioner shall authorize payment from the program in an amount not to exceed \$150,000 annually. In determining the amount of payment to any certified retained business, the commissioner may use the calculation methodology established in Title 36, section 6754, subsection 1. A certified retained business may receive payments for a period not to exceed 10 years, only if the business continues to meet the criteria established in subsection 2. Payments must be made no later than July 31st of each fiscal year beginning in fiscal year 1997-98 and ending in fiscal year 2006-07. Payments received by a certified retained business pursuant to this section must be used for capital investments, including, but not limited to, the acquisition, refurbishments, upgrading, modification and leasing of buildings, machinery and equipment.

4. Transfer from the program. Notwithstanding section 1585, any balance remaining in the program after July 31, 2007 must be transferred to the Maine Rainy Day Fund as established in section 1513.

5. Investment of funds. The money in the program may be invested as provided by law with the earnings credited to the program.

6. Criteria for approval. Prior to issuing a certificate of approval to a business, the commissioner must find that the applicant qualifies as a certified retained business. Notwithstanding the provisions of this section, the commissioner may not accept or certify an application for a certified retained business that is submitted by the applicant after February 28, 1997.

**Sec. 3. Report.** The joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and economic development matters shall review the public policy considerations of the Job Retention Program to retain jobs as established in this Act and may report out legislation to the First Regular Session of the 118th Legislature to implement one or more of its recommendations.

Effective December 7, 1996.

**CHAPTER 707**

**H.P. 1394 - L.D. 1895**

**An Act to Authorize the Department of Human Services to Accept Federal Funds and to Make Certain Expenditures**

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

**Whereas,** federal and Other Special Revenue funds are required for implementation of the Maine Automated Child Welfare Information System; and

**Whereas,** the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 was signed into law on August 22, 1996; and

**Whereas,** the State has the opportunity to receive additional federal funds which will otherwise be lost unless the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 funds are allocated by the Legislature; and

**Whereas,** the 90-day period will not terminate until after the State has the opportunity to accept federal block grant funds under the federal Personal

Responsibility and Work Opportunity Reconciliation Act of 1996; and

**Whereas,** the transfer of funds by financial order is currently prohibited; and

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

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

**PART A**

**Sec. A-1. PL 1995, c. 665, Pt. U, §1, last sentence** is amended to read:

The State Controller shall make transfers from the fund to General Fund undedicated revenue in amounts equal to appropriations approved by the Legislature from Maximus revenue each fiscal year less contract fees.

**Sec. A-2. Allocation.** The following funds are allocated from the Federal Expenditure Fund for the fiscal year ending June 30, 1997 to carry out the purposes of this Part.

**1996-97**

**HUMAN SERVICES,  
DEPARTMENT OF  
Administration - Social Services**

All Other \$4,197,079  
Capital Expenditures 2,706,634

Provides for the allocation of funds for the Maine Automated Child Welfare Information System, MACWIS.

**DEPARTMENT OF HUMAN SERVICES  
TOTAL**

\$6,903,713

**Sec. A-3. Allocation.** The following funds are allocated from Other Special Revenue funds for the fiscal year ending June 30, 1997 to carry out the purposes of this Part.

**1996-97**

**HUMAN SERVICES,  
DEPARTMENT OF**