

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
125<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON LABOR, COMMERCE,  
RESEARCH AND ECONOMIC DEVELOPMENT**

June 2012

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# STATE OF MAINE

125<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 125<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

<i>CARRIED OVER</i> .....	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i> .....	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i> .....	<i>House &amp; Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i> .....	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i> .....	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i> .....	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i> .....	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i> .....	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i> .....	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i> .....	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ...	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; special law</i>
<i>PUBLIC XXX</i> .....	<i>chapter # of enacted public Law</i>
<i>RESOLVE XXX</i> .....	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 125<sup>th</sup> Legislature is Thursday, August 30, 2012. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Standing Committee on Labor, Commerce, Research and Economic Development*

**LD 309**      **An Act To Make Voluntary Membership in a Public Employee Labor Organization in the State**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR SNOWE-MELLO	JT RULE 309	

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill amends the State's labor laws to ensure that each public sector union represents only those public employees who voluntarily are members of that union.

**LD 323**      **An Act To Implement a Coordinated Strategy To Attract New Businesses, Expand Existing Businesses and Develop a Consistent and Recognizable Maine Brand**

**PUBLIC 563**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK RECTOR	OTP-AM	H-803

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill is a concept draft pursuant to Joint Rule 208 and proposes to establish a public-private partnership at the state level with responsibility for the development and delivery of a comprehensive, coordinated and coherent strategy for economic development in Maine. This private-public partnership shall work with regional and local economic development councils and businesses to provide an array of services to companies seeking to locate or expand in Maine. It proposes the development of a "Maine brand" to consistently promote the quality of life in Maine, the quality of Maine recreation and vacation experiences and the quality of Maine-made products. This bill proposes to examine existing economic development programs and appropriations and allocations to each and to redirect funds to support a coherent strategy and maximize positive outcomes.

**Committee Amendment "A" (H-803)**

This amendment replaces the bill, which was a concept draft. It amends the provisions governing the Commissioner of Economic and Community Development's comprehensive economic development evaluation by changing the report's outcome measures to include measures that assess the overall economic performance of the program being evaluated, as demonstrated by the number of jobs created and wages paid by the agency or entity and any state revenues that are attributable to the activities of the agency or entity. It specifies that the economic development evaluation must include, but is not limited to, a review of the following programs: the Maine Employment Tax increment Financing Program, pursuant to the Maine Revised Statutes, Title 36, chapter 917; the Governor's Training Initiative Program, pursuant to Title 26, section 2031; the Loring Development Authority of Maine, pursuant to Title 5, section 13080; the visual media production certification program, pursuant to Title 5, section 13090-L; the promotion and marketing of state products through the Department of Economic and Community Development, pursuant to Title 5, section 13062; the Maine International Trade Center, pursuant to Title 10, section 945; municipal tax increment financing, pursuant to Title 30-A, section 5227; and the pine tree development zone program, pursuant to Title 30-A, section 5250-J. It also changes the economic development evaluation from an annual to a biennial report, requires the independent reviewers to also be nonpartisan reviewers, makes a technical

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correction to the funding mechanism for the evaluation and aligns the reporting dates with the research and development evaluation.

The amendment eliminates the Maine Tourism Commission and requires the Department of Economic and Community Development, Office of Tourism to seek direct input and consultation from the tourism industry on its marketing and promotional plans and to collaborate with tourism regions and industry sectors to accomplish the goals identified in its marketing and promotional plans and the marketing and development strategy. It also requires the Office of Tourism to seek tourism industry input in other areas the Commissioner of Economic and Community Development considers appropriate and necessary. It also requires the Office of Tourism to provide a quarterly presentation beginning January 1, 2014 to the tourism industry stakeholders and provide an annual report to the Governor and the Legislature summarizing the goals and achievements of the office.

The amendment changes the Department of Economic and Community Development, Office of Innovation's comprehensive research and development evaluation from a 5-year to a 6-year evaluation and changes its progress report from an annual to a biennial report.

The amendment amends the laws governing the Maine Rural Development Authority to allow the authority to also provide loans to businesses that currently do not own real estate and that are not supported by private investment and allows the authority to collect any machinery and equipment that is being held as collateral for a loan issued to a specific business.

The amendment expands the definition of "qualified active low-income community business" within the laws governing the new markets capital investment credit to allow a business to qualify for the credit if it meets specific requirements for activity within municipalities where the average annual unemployment rate is higher than the state average unemployment rate.

The amendment requires the Commissioner of Economic and Community Development, beginning August 1, 2012, to convene at least 5 meetings with marketing personnel from the following state agencies: the Department of Agriculture, Food and Rural Resources; the Department of Labor; the Department of Environmental Protection; the Department of Education; the Department of Conservation; the Department of Inland Fisheries and Wildlife; the Department of Marine Resources; and the Department of Transportation. It requires the commissioner to gather information at the meetings regarding the marketing efforts, budgets and strategies used by these agencies in order to determine if the State can market its products and services more efficiently. It authorizes the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters to report out a bill to the First Regular Session of the 126th Legislature.

### **Enacted Law Summary**

Public Law 2011, chapter 563 amends the provisions governing the Commissioner of Economic and Community Development's comprehensive economic development evaluation by changing the report's outcome measures to include measures that assess the overall economic performance of the program being evaluated, as demonstrated by the number of jobs created and wages paid by the agency or entity and any state revenues that are attributable to the activities of the agency or entity. The law specifies that the economic development evaluation must include, but is not limited to, a review of the following programs: the Maine Employment Tax increment Financing Program, pursuant to the Maine Revised Statutes, Title 36, chapter 917; the Governor's Training Initiative Program, pursuant to Title 26, section 2031; the Loring Development Authority of Maine, pursuant to Title 5, section 13080; the visual media production certification program, pursuant to Title 5, section 13090-L; the promotion and marketing of state products through the Department of Economic and Community Development, pursuant to Title 5, section 13062; the Maine International Trade Center, pursuant to Title 10, section 945; municipal tax increment financing, pursuant to Title 30-A, section 5227; and the pine tree development zone program, pursuant to Title 30-A, section 5250-J.

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Beginning August 1, 2012, the law requires the Commissioner of Economic and Community Development to convene at least 5 meetings with marketing personnel from the following state agencies: the Department of Agriculture, Food and Rural Resources; the Department of Labor; the Department of Environmental Protection; the Department of Education; the Department of Conservation; the Department of Inland Fisheries and Wildlife; the Department of Marine Resources; and the Department of Transportation. It requires the commissioner to gather information at the meetings regarding the marketing efforts, budgets and strategies used by these agencies in order to determine if the State can market its products and services more efficiently. It also authorizes the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters to report out a bill to the First Regular Session of the 126th Legislature.

**LD 384      An Act To Provide Incentives To Foster Economic Growth and Build Infrastructure in the State**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICCHIOTTI WHITTEMORE	OTP-AM MAJ ONTP MIN	H-895 H-909 WELSH

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill establishes the Tourism and Industry Film Production Cash Rebate Program in the Department of Economic and Community Development, Office of Tourism. The purpose of the program is to attract film production companies to Maine by providing cash rebates for certain expenses of the film production company. In order to qualify, the company must spend at least \$50,000 for direct production costs in Maine and at least \$250,000 in investment in infrastructure in this State and have ties to Maine, such as using a Maine bank and payroll processor. The amount of the available rebate ranges from 27% of the expenses related to infrastructure to 51% of the costs of training and employment of Maine residents.

**Committee Amendment "A" (H-895)**