

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH 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

125TH 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 125th 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 & 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&S XXX</i>	<i>chapter # of enacted private & 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 125th 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

evaluation and aligns the reporting dates with the research and development evaluation. It 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 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 law 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. It 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. It also 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.

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)

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

This amendment replaces the bill and is the majority report of the committee. It creates the Motion Picture, Musical and Digital Media Incentive Program, which allows for a rebate based on qualifying production expenditures for a motion picture production company that spends at least \$75,000 in qualifying production expenditures or a musical, theatrical or sound production company or digital interactive media production company that spends at least \$15,000 in qualifying production expenditures. In addition, in order to qualify for the rebate, the company must:

1. Employ below-the-line personnel, at least 50% of whom are residents of this State, and, beginning September 1, 2013, employ below-the-line personnel, at least 65% of whom are residents of this State;
2. Contract with a travel company located in this State;
3. Contract with a payroll processing company licensed by this State pursuant to the Maine Revised Statutes, Title 10, chapter 222 and located in this State;
4. Use a financial institution located and authorized to do business in this State;
5. Contract with a casting company located in this State; and
6. Agree to display in its production a single card credit or state logo, as prescribed by the Department of Economic and Community Development, Office of Tourism, stating that the production was filmed, produced or created in this State with the cooperation of the office.

The amendment establishes application requirements for initial and final state certification and standards for eligibility for the rebate. It allows for a rebate of 25% of all qualifying production expenditures, subject to the following limitations: from May 1, 2012, to June 30, 2013, the total amount of rebates authorized may not exceed \$25,000,000 in the aggregate and the total amount of rebates authorized in any subsequent fiscal year may not exceed \$50,000,000 in the aggregate.

It provides that a company that receives a rebate under the program may not claim any other state economic development incentive, tax reimbursement or exemption in the same fiscal year.

The amendment also repeals the certified visual media production credit and visual media production reimbursement. It requires that, beginning January 15, 2013, and every 2 years thereafter, the office shall review all aspects of the program, including the level of participation, the amount rebated from the Motion Picture, Musical and Digital Media Incentive Program Fund and the amount retained by the office, and submit a report to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters. The report must include any recommendations of the office for improvements or changes to the program. The amendment authorizes the committee to report out a bill to implement the recommendations in the report.

The amendment requires the State Controller to transfer \$25,000,000 by January 1, 2013, and \$50,000,000 annually thereafter from General Fund undedicated revenue to be used to provide rebates under the program.

The amendment also adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-909)

This amendment reduces the annual funding to the proposed Motion Picture, Musical and Digital Media Incentive Program by \$1,000,000 and transfers that same amount to the Visual and Digital Media Loan Program.