

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by inserting before section 1 the following:

‘**Sec. 1. 30-A MRSA §5250-I, sub-§4**, as amended by PL 2005, c. 351, §1, is further amended to read:

4. Base level of employment. "Base level of employment" means the greater of either the total employment in the State of a business as of March 31st, June 30th, September 30th and December 31st of the calendar year immediately preceding the year of the business's application to become a certified Pine Tree Development Zone business divided by 4 or its average employment during the base period. Pursuant to section 5250-J, subsection 4-A, "base level of employment" may be adjusted to mean 25% of the average number of employees of that business over the 3 months immediately preceding the catastrophic occurrence.’

Amend the bill by striking out all of section 4 and inserting the following:

‘**Sec. 4. 30-A MRSA §5250-J, sub-§4-A** is enacted to read:

4-A. Catastrophic occurrence; benefits. A qualified Pine Tree Development Zone business whose primary purpose is to support the State’s working waterfront industry may apply for an adjustment of the base level of employment as described in this section, if it meets the following criteria:

- A. It is located on a working waterfront in a Pine Tree Development Zone;
- B. It has sustained at least a 5% loss of employed workers due to a catastrophic occurrence; and
- C. It has appropriate infrastructure and zoning or other land use regulations in place.

For the purposes of this section and calculation of Pine Tree Development Zone benefits in section 5250-I, subsection 14, the base level of employment may be adjusted to mean 25% of the average number of employees of that business over the 3 months immediately preceding the catastrophic occurrence. A qualified business must apply for an adjustment of the base level of employment within 16 months of the catastrophic occurrence. Applications pursuant to this subsection must be received by August 1, 2011.

Sec. 5. 36 MRSA §6753, sub-§4, as amended by PL 2005, c. 351, §21, is further amended to read:

4. Base level of employment. "Base level of employment" means the greater of either the total employment of a business as of the March 31st, June 30th, September 30th and December 31st of the calendar year immediately preceding the application for approval of the employment tax increment financing development program divided by 4 or its average employment during the base period. Pursuant to Title 30-A, section 5250-J, subsection 4-A, "base level of employment" may be adjusted to mean 25% of the average number of employees of that business over the 3 months immediately preceding the catastrophic occurrence.’

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

SUMMARY

This amendment removes that section of the bill that established a waiver of certain requirements and instead adds a provision to allow a qualified Pine Tree Development Zone business whose primary purpose is to support the State's working waterfront industry that has suffered from a catastrophic occurrence to apply for an adjustment of the base level of employment for purposes of determining Pine Tree Development Zone benefits if it meets the following criteria: it is located on a working waterfront in a Pine Tree Development Zone; it has sustained at least a 5% loss of employed workers due to a catastrophic occurrence; and it has appropriate infrastructure and zoning or other land use regulations in place. The amendment provides that the definition of "base level of employment" may be adjusted to mean 25% of the average number of employees of that business over the 3 months immediately preceding the catastrophic occurrence. It requires a qualified business to apply for an adjustment of the base level of employment within 16 months of the catastrophic occurrence and any applications under this provision must be received by the Department of Economic and Community Development by August 1, 2011. The amendment also cross-references this definition in the laws governing employment tax increment financing benefits.

FISCAL NOTE REQUIRED

(See attached)