§6753. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1995, c. 669, §5 (NEW).]

1. Affiliated businesses.
[PL 2005, c. 351, §17 (RP).]

1-A. Affiliated business. "Affiliated business" means a member of a group of 2 or more businesses in which more than 50% of the voting stock of each member corporation or more than 50% of the ownership interest in a business other than a corporation is directly or indirectly owned by a common owner or owners, either corporate or noncorporate, or by one or more of the member businesses.
[PL 2005, c. 351, §18 (NEW).]

2. Affiliated group.
[PL 2005, c. 351, §19 (RP).]

3. Applicant. "Applicant" means a qualified business that has submitted an application to the commissioner for approval of an employment tax increment financing development program.
[PL 1995, c. 669, §5 (NEW).]

3-A. Average employment during base period. "Average employment during the base period" for a business means the total number of employees of that business as of each March 31st, June 30th, September 30th and December 31st of the base period, divided by 12.
[PL 2005, c. 351, §20 (NEW).]

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.

A. Pursuant to Title 30-A, section 5250-J, subsection 4-A, "base level of employment" may be adjusted for a qualified Pine Tree Development Zone business as defined in Title 30-A, section 5250-I, subsection 17. [PL 2025, c. 271, Pt. C, §5 (AMD).]

B. Pursuant to Title 30-A, section 5250-J, subsection 4-C, "base level of employment" must be adjusted to be calculated from the location where the business produced the significant employment expansion of 250 jobs or more. [PL 2009, c. 461, §26 (NEW).]
[PL 2025, c. 271, Pt. C, §5 (AMD).]

5. Base period. "Base period" means the 3 calendar years prior to the year in which an applicant's employment tax increment financing development program is approved by the commissioner.
[PL 1995, c. 669, §5 (NEW).]

5-A. Call center. "Call center" means a business enterprise that employs 50 or more full-time employees for the purpose of customer service.
[PL 2015, c. 368, §4 (NEW).]

5-B. Benefit base. "Benefit base" means the total incremental gross wages paid during the calendar year by a qualified business to qualified employees multiplied by 4.5%.
[PL 2021, c. 602, §1 (NEW).]

6. Commissioner. "Commissioner" means the Commissioner of Economic and Community Development.
[PL 1995, c. 669, §5 (NEW).]

7. Employment tax increment. For reimbursement based on calendar years prior to 2022, "employment tax increment" means that level of employment, payroll and state income withholding

taxes attributed to qualified employees employed by a qualified business above the base level for the qualified business, adjusted pursuant to subsection 12 for shifts in employment by affiliated businesses. For reimbursement based on calendar year 2022, and for each calendar year thereafter, "employment tax increment" means the total gross wages paid by a qualified business to qualified employees above the base level of employment for the qualified business.
[PL 2021, c. 602, §2 (AMD).]

8. Employment tax increment financing development program. "Employment tax increment financing development program" means a statement describing:

A. An applicant's employment growth and capital investment plans over the 5-year period beginning on the date an application is submitted to the commissioner; and [PL 1995, c. 669, §5 (NEW).]

B. A description of how funds reimbursed under this Act are necessary to the achievement of those plans. [PL 1995, c. 669, §5 (NEW).]
[PL 1995, c. 669, §5 (NEW).]

9. Gross employment tax increment. For reimbursement based on calendar years prior to 2022, "gross employment tax increment" means that level of employment, payroll and state income tax withholding taxes attributed to qualified employees employed by a qualified business that is greater than the base level for the qualified business. For reimbursement based on calendar year 2022, and for each calendar year thereafter, "gross employment tax increment" means the total gross wages paid by a qualified business to qualified employees above the base level of employment for the qualified business.
[PL 2021, c. 602, §3 (AMD).]

9-A. Gross wages. "Gross wages" means taxable wages, tips and other compensation included on the wage and tax statement for services performed in this State during the calendar year.
[PL 2021, c. 602, §4 (NEW).]

10. Labor market unemployment rate. "Labor market unemployment rate" means the average unemployment rate as published by the Department of Labor for the labor market or markets in which potential qualified employees are located and in which reimbursement is claimed under this chapter for the 12 most recently reported months preceding the date of application for employment tax increment financing and for the 12 most recently reported months preceding the beginning of the 6th year of an approved employment tax increment financing development program.
[PL 1999, c. 388, §1 (AMD).]

11. Qualified business. "Qualified business" means any for-profit business in this State, other than a public utility as defined by Title 35-A, section 102, that adds 5 or more qualified employees above its base level of employment in this State within any 2-year period commencing on or after January 1, 1996 and that meets one of the following criteria:

A. The business is not engaged in retail operations; [PL 1995, c. 669, §5 (NEW).]

B. The business is engaged in retail operations but less than 50% of its total annual revenues from Maine-based operations are derived from sales taxable in this State; or [PL 1995, c. 669, §5 (NEW).]

C. The business is engaged in retail operations and can demonstrate to the commissioner by a preponderance of the evidence 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. [PL 1995, c. 669, §5 (NEW).]

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.

[PL 2001, c. 157, §1 (AMD).]

12. Qualified employee. Except for an employee in a call center in Aroostook County or Washington County, "qualified employee" means a new, full-time employee hired in this State by a qualified business, for whom a retirement program subject to the federal Employee Retirement Income Security Act of 1974, 29 United States Code, Chapter 18 and group health insurance are provided, and whose income derived from employment with the applicant, calculated on a calendar year basis, is greater than the most recent annual per capita personal income in the county in which the qualified employee is employed, as long as gross wages paid attributed to the qualified employee are subject to reimbursement to the qualified business under this chapter. "Qualified employee" does not include an employee who is shifted to a qualified business from an affiliated business. The commissioner shall determine whether a shifting of employees has occurred.

For an employee in a call center in Aroostook County or Washington County, "qualified employee" means a new, full-time employee hired in this State by a qualified business, for whom a retirement program subject to the federal Employee Retirement Income Security Act of 1974, 29 United States Code, Chapter 18 and group health insurance are provided, and whose income derived from employment with the applicant, calculated on a weekly basis, is greater than the average weekly wage for the most recent available calendar year as derived from the quarterly census of employment and wages and provided annually by the Department of Labor, as long as gross wages paid attributed to the qualified employee are subject to reimbursement to the qualified business under this chapter. "Qualified employee" does not include an employee who is shifted to a qualified business from an affiliated business. The commissioner shall determine whether a shifting of employees has occurred. The calculation of the average weekly wage must include data from the counties of Androscoggin, Aroostook, Franklin, Hancock, Kennebec, Knox, Lincoln, Oxford, Penobscot, Piscataquis, Sagadahoc, Somerset, Waldo and Washington. Notwithstanding this subsection, with respect to a call center in Aroostook or Washington county, in a county in which the average annual unemployment rate at the time of certification for the most recent calendar year is greater than the state average for the same year, the wage threshold is 90% of the average weekly wage as derived from the quarterly census of employment and wages. Notwithstanding this subsection, with respect to a call center in Aroostook or Washington county and upon approval of the commissioner, a qualified business located in a county in which the average annual unemployment rate at the time of certification for the most recent calendar year is greater than the state average for that same year qualifies for a phase-in of salary threshold requirements. A qualified business under this provision must meet 70% of the average weekly wage as derived from the quarterly census of employment and wages in the first year of certification, 80% of the average weekly wage as derived from the quarterly census of employment and wages in the 2nd year of certification and 90% of the average weekly wage as derived from the quarterly census of employment and wages in all following years of certification. Failure to meet any of these requirements results in automatic revocation of certification.

[PL 2023, c. 441, Pt. C, §8 (AMD); PL 2023, c. 441, Pt. C, §11 (AFF).]

12-A. Quarterly census of employment and wages. "Quarterly census of employment and wages" means the comprehensive tabulation of employment and wage information for workers produced by the quarterly census of employment and wages program, a cooperative program involving the federal Department of Labor, Bureau of Labor Statistics and the state employment security agencies.

[PL 2015, c. 368, §6 (NEW).]

13. State unemployment rate. "State unemployment rate" means the average unemployment rate published by the Department of Labor for the State as a whole for the 12 most recently reported months preceding the date of application for employment tax increment financing and for the 12 most recently reported months preceding the beginning of the 6th year of an approved employment tax increment financing development program.

[PL 1999, c. 388, §3 (AMD).]

SECTION HISTORY

PL 1995, c. 669, §5 (NEW). PL 1997, c. 766, §§1,2 (AMD). PL 1999, c. 388, §§1-3 (AMD). PL 2001, c. 157, §1 (AMD). PL 2003, c. 391, §13 (AMD). PL 2005, c. 351, §§17-23 (AMD). PL 2005, c. 351, §26 (AFF). PL 2009, c. 21, §6 (AMD). PL 2009, c. 434, §82 (AMD). PL 2009, c. 461, §26 (AMD). PL 2015, c. 368, §§4-6 (AMD). PL 2021, c. 602, §§1-4 (AMD). PL 2023, c. 441, Pt. C, §8 (AMD). PL 2023, c. 441, Pt. C, §11 (AFF). PL 2025, c. 271, Pt. C, §5 (AMD).

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