

Annual List of Rulemaking Activity
Rules Adopted January 1, 2020 to December 31, 2020
Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5

Agency name: Department of Economic and Community Development
Umbrella-Unit: 19-100
Statutory authority: PL 2009 ch. 337
Chapter number/title: Ch. 100, Pine Tree Development Zone Program
Filing number: 2020-008
Effective date: 1/13/2020
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

In 2019 the Pine Tree Development Zone Program was amended to eliminate the requirement that the State Economist provide DECD with an advisory opinion for all PTDZ applications for certification.

Basis statement:

The Pine Tree Development Zone Program was established by the Legislature in 2003 and has been amended in 2005, 2009, 2018 and in 2019. The most recent amendment eliminated the requirement that the State Economist provide DECD with an advisory opinion for all PTDZ applications for certification. The Department of Economic and Community Development administers the program. This rule establishes criteria to determine eligibility for the Pine Tree Development Zone program, the process used by businesses to apply for certification and the requirements that must be met and maintained to claim benefits available to a certified business.

The revised rule will provide guidance to businesses participating in the program, relative to certification, the requirements a business must meet and maintain to claim program benefits and remain in program compliance. It will also provide guidance to DECD in the oversight and administration of the program.

Fiscal impact of rule:

None.

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Agency name: Department of Economic and Community Development
Umbrella-Unit: 19-100
Statutory authority: PL 2011 ch. 655
Chapter number/title: Ch. 400, Employment Tax Increment Financing
Filing number: 2020-009
Effective date: 1/13/2020
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

Significant legislative changes to the Pine Tree Development Zone Program have occurred in 2009, 2018 and 2019 which impact the Employment Tax Increment Financing Program. Major statutory changes include the definition of "qualified employees", the extension of applying for certification under the Pine Tree Development Zone Program to December 31, 2021, and removal of the requirement that the State Economist review applications for Employment Tax Increment Financing certification and provide an opinion to DECD.

Basis statement:

The Employment Tax Increment Financing Program was established by the Legislature in 1995 and has been amended in 1999, 2001, 2003, 2005, 2009, 2011, 2013, 2015, 2017 and 2018. The ETIF rule has not been revised since 2006. The Department of Economic and Community Development administers the program. This rule establishes criteria to determine eligibility for the Employment Tax Increment Financing program, the process used by businesses to apply for certification and the requirements that must be met and maintained to claim benefits available to a certified business.

The revised rule will provide guidance to businesses participating in the program, relative to certification, the requirements a business must meet and maintain to claim program benefits and remain in program compliance. It will also provide guidance to DECD in the oversight and administration of the program.

Fiscal impact of rule:

None.