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Date: (Filing No. H- )

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
127TH LEGISLATURE  
FIRST REGULAR SESSION**

HOUSE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to H.P. 520, L.D. 767, Bill, “An Act To Create Jobs in Aroostook and Washington Counties”

Amend the amendment in the first paragraph after the title by striking out everything after the following: "Amend the bill" and inserting the following:

'by striking out everything after the enacting clause and before the summary and inserting the following:

**'Sec. 1. 30-A MRSA §5250-I, sub-§18**, as amended by PL 2005, c. 351, §4 and affected by §26, is further amended to read:

**18. Qualified Pine Tree Development Zone employees.** ~~"Qualified~~ Except for employees in Aroostook and Washington counties, "qualified Pine Tree Development Zone employees" means new, full-time employees hired in this State by a qualified Pine Tree Development Zone business for work directly in one or more qualified business activities for whom a retirement program subject to the Employee Retirement Income Security Act of 1974, 29 United States Code, Sections 101 to 1461, as amended, and group health insurance are provided and whose income derived from employment within the Pine Tree Development Zone, 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. "Qualified Pine Tree Development Zone employees" does not include employees shifted to a qualified business activity from a nonqualified activity of the qualified Pine Tree Development Zone business or an affiliated business. The commissioner shall determine whether a shifting of employees has occurred.

For employees in Aroostook and Washington counties, "qualified Pine Tree Development Zone employees" means new, full-time employees hired in this State by a qualified Pine Tree Development Zone business for work directly in one or more qualified business activities for whom a retirement program subject to the Employee Retirement Income Security Act of 1974, 29 United States Code, Sections 101 to 1461, as amended, and group health insurance are provided and whose income derived from employment within the Pine Tree Development Zone, 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. The calculation of the average weekly wage must include data from the counties of Androscoggin, Aroostook, Franklin, Hancock, Kennebec, Knox, Lincoln, Oxford,

**HOUSE AMENDMENT**

1 Penobscot, Piscataquis, Sagadahoc, Somerset, Waldo and Washington. Notwithstanding  
2 this subsection, with respect to Aroostook and Washington counties, in a county in which  
3 the average annual unemployment rate at the time of certification for the most recent  
4 calendar year is greater than the state average for the same year, the wage threshold is  
5 90% of the average weekly wage as derived from the quarterly census of employment and  
6 wages. Notwithstanding this subsection, with respect to Aroostook and Washington  
7 counties and upon approval of the commissioner, a qualified business located in a county  
8 in which the average annual unemployment rate at the time of certification for the most  
9 recent calendar year is greater than the state average for that same year qualifies for a  
10 phase-in of salary threshold requirements. A qualified business under this provision must  
11 meet 70% of the average weekly wage as derived from the quarterly census of  
12 employment and wages in the first year of certification, 80% of the average weekly wage  
13 as derived from the quarterly census of employment and wages in the 2nd year of  
14 certification and 90% of the average weekly wage as derived from the quarterly census of  
15 employment and wages in all following years of certification. Failure to meet any of  
16 these requirements results in automatic revocation of certification. "Qualified Pine Tree  
17 Development Zone employees" does not include employees shifted to a qualified  
18 business activity from a nonqualified activity of the qualified Pine Tree Development  
19 Zone business or an affiliated business. The commissioner shall determine whether a  
20 shifting of employees has occurred.

21 **Sec. 2. 30-A MRSA §5250-I, sub-§18-A** is enacted to read:

22 **18-A. Quarterly census of employment and wages.** "Quarterly census of  
23 employment and wages" means the comprehensive tabulation of employment and wage  
24 information for workers produced by the quarterly census of employment and wages  
25 program, a cooperative program involving the federal Department of Labor, Bureau of  
26 Labor Statistics and the state employment security agencies.

27 **Sec. 3. 36 MRSA §6753, sub-§12,** as amended by PL 2009, c. 434, §82, is  
28 further amended to read:

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

41 For an employee in Aroostook County and Washington County, "qualified employee"  
42 means a new, full-time employee hired in this State by a qualified business, for whom a  
43 retirement program subject to the Employee Retirement Income Security Act of 1974, 29  
44 United States Code, Chapter 18 and group health insurance are provided, and whose  
45 income derived from employment with the applicant, calculated on a weekly basis, is

1 greater than the average weekly wage for the most recent available calendar year as  
2 derived from the quarterly census of employment and wages and provided annually by  
3 the Department of Labor, as long as Maine income tax withholding attributed to the  
4 qualified employee is subject to reimbursement to the qualified business under this  
5 chapter. "Qualified employee" does not include an employee who is shifted to a qualified  
6 business from an affiliated business. The commissioner shall determine whether a  
7 shifting of employees has occurred. The calculation of the average weekly wage must  
8 include data from the counties of Androscoggin, Aroostook, Franklin, Hancock,  
9 Kennebec, Knox, Lincoln, Oxford, Penobscot, Piscataquis, Sagadahoc, Somerset, Waldo  
10 and Washington. Notwithstanding this subsection, with respect to Aroostook and  
11 Washington counties, in a county in which the average annual unemployment rate at the  
12 time of certification for the most recent calendar year is greater than the state average for  
13 the same year, the wage threshold is 90% of the average weekly wage as derived from the  
14 quarterly census of employment and wages. Notwithstanding this subsection, with  
15 respect to Aroostook and Washington counties and upon approval of the commissioner, a  
16 qualified business located in a county in which the average annual unemployment rate at  
17 the time of certification for the most recent calendar year is greater than the state average  
18 for that same year qualifies for a phase-in of salary threshold requirements. A qualified  
19 business under this provision must meet 70% of the average weekly wage as derived from  
20 the quarterly census of employment and wages in the first year of certification, 80% of  
21 the average weekly wage as derived from the quarterly census of employment and wages  
22 in the 2nd year of certification and 90% of the average weekly wage as derived from the  
23 quarterly census of employment and wages in all following years of certification. Failure  
24 to meet any of these requirements results in automatic revocation of certification.

25 **Sec. 4. 36 MRSA §6753, sub-§12-A** is enacted to read:

26 **12-A. Quarterly census of employment and wages.** "Quarterly census of  
27 employment and wages" means the comprehensive tabulation of employment and wage  
28 information for workers produced by the quarterly census of employment and wages  
29 program, a cooperative program involving the federal Department of Labor, Bureau of  
30 Labor Statistics and the state employment security agencies.'

### 31 SUMMARY

32 Current law requires that a qualified employee in a Pine Tree Development Zone or  
33 under the Maine Employment Tax Increment Financing Act be paid a wage greater than  
34 the annual per capita personal income in the county in which the qualified employee is  
35 employed. This amendment changes this requirement to require that such an employee in  
36 Aroostook County or Washington County be paid a weekly wage greater than the average  
37 weekly wage in certain counties. With respect to Aroostook and Washington counties, in

1 a county in which the average annual unemployment rate is greater than the state average,  
2 this wage threshold is 90% of the average weekly wage in certain counties. Upon  
3 approval of the Commissioner of Economic and Community Development, a qualified  
4 business qualifies for a phase-in of this wage threshold.

5 **SPONSORED BY:** \_\_\_\_\_

6 **(Representative MARTIN J)**

7 **TOWN: Eagle Lake**