

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

S.P. 758 - L.D. 1951

**An Act to Promote Food Processing and Manufacturing Facility Expansion
and Create Jobs**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 36 MRSA §5219-VV, sub-§1, ¶H, as enacted by PL 2019, c. 386, §2, is repealed.

Sec. 2. 36 MRSA §5219-VV, sub-§1, ¶J, as enacted by PL 2019, c. 386, §2, is amended by repealing subparagraph (1).

Sec. 3. 36 MRSA §5219-VV, sub-§1, ¶J, as enacted by PL 2019, c. 386, §2, is amended by amending subparagraph (4) to read:

(4) The applicant employs or will employ ~~upon~~ within 12 months of the start-up of the facility at least 40 full-time employees based in the State; and

Sec. 4. 36 MRSA §5219-VV, sub-§1, ¶J, as enacted by PL 2019, c. 386, §2, is amended by amending subparagraph (5) to read:

(5) The annual income derived from employment with the applicant of at least 75% of the applicant's employees who have been employed by the applicant for at least 12 months exceeds the most recent annual per capita personal income in the county in which the facility is located.

Sec. 5. 36 MRSA §5219-VV, sub-§1, ¶K, as amended by PL 2019, c. 659, Pt. H, §2, is further amended to read:

K. "Qualified investment" means an expenditure of at least \$35,000,000 to design, permit, construct, modify, equip or expand the applicant's facility in the State. The expenditures of a qualified applicant and other entities, whether or not incorporated, that are part of a single business enterprise must be aggregated to determine whether a qualified investment has been made. A qualified investment does not include an expenditure made prior to April 1, 2019 or after December 31, ~~2024~~ 2027.

Sec. 6. 36 MRSA §5219-VV, sub-§2, ¶E, as amended by PL 2019, c. 659, Pt. H, §4, is further amended to read:

E. A certified applicant shall submit an application to the commissioner for a certificate of completion. If the commissioner determines that the certified applicant has made a qualified investment and determines that, at the time the application for a certificate of completion is submitted, the certified applicant is itself, or is the parent or subsidiary of, an entity that satisfies all of the criteria in subsection 1, paragraph J, ~~subparagraphs (4) and (5)~~; the commissioner shall issue a certificate of completion to the certified applicant as soon as is practical. The certificate of completion must state the amount of qualified investment made by the certified applicant.

Sec. 7. 36 MRSA §5219-VV, sub-§2, as amended by PL 2019, c. 659, Pt. H, §§3 and 4, is further amended by amending the first blocked paragraph to read:

The commissioner may not issue certificates of approval under this subsection that total, in the aggregate, more than ~~\$100,000,000~~ \$200,000,000 of qualified investment or any individual certificate of approval for more than ~~\$85,000,000~~ \$100,000,000 of qualified investment.

Sec. 8. 36 MRSA §5219-VV, sub-§3, ¶A, as enacted by PL 2019, c. 386, §2, is amended to read:

A. Subject to the limitations under paragraph B, beginning with the first full tax year after the certified applicant has been issued a certificate of completion under subsection 2, paragraph E or the tax year beginning on January 1, 2022, whichever is later, and for each of the following 19 tax years, a certified applicant is allowed a credit against the tax due under this Part for the taxable year in an amount equal to 1.8% of the certified applicant's qualified investment, except that, for a tax year beginning on or after January 1, 2027, a certified applicant is allowed a credit against the tax due under this Part for the taxable year in an amount equal to 2% of the certified applicant's qualified investment. A certified applicant may not claim a credit under this subsection for more than 20 years. If the certified applicant is a pass-through entity, the owner or owners of the certified applicant are allowed the credit. The credit allowed under this paragraph is refundable.

Sec. 9. 36 MRSA §5219-VV, sub-§3, ¶B, as amended by PL 2019, c. 659, Pt. H, §5, is further amended by repealing subparagraph (2).

Sec. 10. 36 MRSA §5219-VV, sub-§3, ¶B, as amended by PL 2019, c. 659, Pt. H, §5, is further amended by repealing subparagraph (4), division (a).

Sec. 11. 36 MRSA §5219-VV, sub-§3, ¶B, as amended by PL 2019, c. 659, Pt. H, §5, is further amended by amending subparagraph (4), division (c) to read:

(c) The annual income derived from employment with the certified applicant of at least 75% of the certified applicant's employees who have been employed by the certified applicant for at least 12 months exceeds the most recent annual per capita personal income in the county in which the facility is located.

Sec. 12. 36 MRSA §5219-VV, sub-§5, ¶A, as amended by PL 2019, c. 607, Pt. C, §7 and c. 659, Pt. H, §6, is further amended to read:

A. On or before March 1st of each year, a certified applicant shall file a report with the commissioner for the tax year ending during the immediately preceding calendar year, referred to in this subsection as "the report year, containing year." The report

must include, at a minimum, metrics and other progress measures, including the following information:

- (1) The number of full-time employees based in the State of the certified applicant on the last day of the report year; ~~and~~
- (2) The incremental amount of qualified investment made in the report year;
- (3) The total number of full-time employees based in the State in the report year;
- (4) The number of jobs offered by the certified applicant during the report year above the base level of employment; and
- (5) The number of jobs that have been added since the day the certificate of approval was issued.

The commissioner may prescribe forms for the annual report described in this paragraph. The commissioner shall provide copies of the report to the assessor, to the Office of Program Evaluation and Government Accountability and to the joint standing committee of the Legislature having jurisdiction over taxation matters at the time the report is received.