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## **An Act To Ensure That Pine Tree Development Zone Benefits Are Not Extended to Businesses That Compete with Existing Maine Businesses**

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

**Sec. 1. 30-A MRSA §5250-I, sub-§17, ¶A,** as amended by PL 2005, c. 351, §4 and as affected by §26, is further amended to read:

A. It demonstrates that the establishment or expansion of operations within the Pine Tree Development Zone would not occur within the State absent the availability of the Pine Tree Development Zone benefits. The department shall determine whether the business has met the requirements of this paragraph; and

**Sec. 2. 30-A MRSA §5250-I, sub-§17, ¶A-1** is enacted to read:

A-1. It demonstrates that the establishment or expansion of operations within the Pine Tree Development Zone will not result in a substantial detriment to any existing business in the State under the criteria adopted by the commissioner under Title 36, section 6756, subsection 3; and

**Sec. 3. 30-A MRSA §5250-O,** as enacted by PL 2003, c. 688, Pt. D, §2, is amended to read:

### **§ 5250-O. Certification of qualified business**

A business may apply to the commissioner for certification as a qualified Pine Tree Development Zone business. Upon review and determination by the commissioner that a business is a qualified Pine Tree Development Zone business, the commissioner shall issue a certificate of qualification to the business that includes a description of the qualified business activity for which the certificate is being issued. A business aggrieved by a decision of the commissioner pursuant to section 5250-I, subsection 17, paragraph A-1 that an applicant has demonstrated that the establishment or expansion of operations within the Pine Tree Development Zone will not result in a substantial detriment to any existing business in the State may appeal that decision to Superior Court in the manner provided under Title 5, section 11001, subsection 1.

### **SUMMARY**

This bill provides that a qualified Pine Tree Development Zone business must demonstrate that its development within a Pine Tree Development Zone will not result in a substantial detriment to any other business in the State. A business aggrieved by a decision of the Commissioner of Economic and Community Development that there will not be a substantial detriment to any other business in the State may appeal that decision to Superior Court.