

## STATE OF MAINE

—  
 IN THE YEAR OF OUR LORD  
 TWO THOUSAND AND THIRTEEN

—  
 H.P. 778 - L.D. 1109

**An Act To Clarify the Maine New Markets Capital Investment Program Tax Credit**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the 125th Legislature enacted the Maine New Markets Capital Investment Program to stimulate capital investment in distressed areas of the State; and

**Whereas**, investors seeking to make investments under the Maine New Markets Capital Investment Program require a high degree of clarity regarding the conditions on which tax credits may be available; and

**Whereas**, there are interested investors unwilling to make investments that will support construction of manufacturing facilities and the creation or retention of jobs due to the ambiguity of certain terms used in the Maine New Markets Capital Investment Program; and

**Whereas**, it is imperative that this legislation take effect immediately to allow for investments to be made in the spring of 2013; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 36 MRSA §5219-HH, sub-§1, ¶J**, as amended by PL 2011, c. 657, Pt. P, §1, is further amended to read:

J. "Qualified low-income community investment" means any capital or equity investment in, or loan to, any qualified active low-income community business made after September 28, 2011. Except as otherwise provided in this paragraph, with respect to any one qualified active low-income community business, the maximum

amount of qualified low-income community investments that may be made ~~in the business, on a collective basis with all of its affiliates,~~ with the proceeds of qualified equity investments that have been certified under Title 10, section 1100-Z, subsection 3, paragraph G is \$10,000,000 per project constructed, maintained or operated by the qualified active low-income community business whether made by one or several qualified community development entities. With respect to investments in a qualified active low-income community business that is a manufacturing or value-added production enterprise ~~that projects to create or retain more than 200 jobs,~~ the limit on the qualified low-income community investment is \$40,000,000 per project constructed, maintained or operated by the qualified active low-income community business. For the purposes of this paragraph, with respect to projects to which the \$10,000,000 limitation applies, "project" includes all land, buildings, structures, machinery and equipment located at the same location and constructed, maintained or operated by the qualified active low-income community business. For the purposes of this paragraph, with respect to projects to which the \$40,000,000 limitation applies, "project" means, and refers separately to, each manufacturing or value-added production facility that projects to create or retain more than 200 jobs, including the land, buildings, structures, machinery and equipment functionally related to, and integrated with, the manufacturing or production process conducted on the site of that facility. "Project" does not mean or include the component pieces of an integrated manufacturing or production process conducted on the site of a particular facility.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.