94-457

FINANCE AUTHORITY OF MAINE

2014-2015 Regulatory Agenda

July 16, 2014

*(amended August 18, 2015)*

AGENCY UMBRELLA UNIT NUMBER: **94-457**

AGENCY NAME: **Finance Authority of Maine**

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**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA**: None

**EXPECTED FISCAL YEAR 2014-2015 RULE-MAKING ACTIVITY**:

**CHAPTER 202**: Revenue Obligation Securities Program

STATUTORY AUTHORITY: 10 M.R.S.A. §969-A(14); 10 M.R.S.A. §1044; 10 M.R.S.A. §1054

PURPOSE: To amend as needed for the efficient administration of the program and to make changes necessary to better assist eligible borrowers in accessing bond financing, and to bring the program in compliance with the changes in federal or state law or regulation. To provide consistency among the various bond financing programs.

SCHEDULE FOR ADOPTION: Approval for Rulemaking by FAME Board: January 2015; Adoption Date: April 2015.

AFFECTED PARTIES: Maine businesses seeking tax-exempt financing.

CONSENSUS-BASED RULE DEVELOPMENT: The Authority does not intend to employ consensus-based rule development.

**CHAPTER 314**: Regional Economic Development Revolving Loan Program

STATUTORY AUTHORITY: P.L. 1994, Ch. 722; 10 M.R.S.A. §1026-M.

PURPOSE: To amend the rule to incorporate legislative changes or to make changes to more efficiently administer the programs and assist borrowers.

SCHEDULE FOR ADOPTION: Approval for Rulemaking by FAME Board: January 2015; Adoption Date: April 2015.

AFFECTED PARTIES: Local, regional and statewide nonprofit or governmental economic development corporations or entities and eligible businesses which receive loans.

CONSENSUS-BASED RULE DEVELOPMENT: The Authority does not intend to employ consensus-based rule development.

*(Chapter 325 information added August 18, 2015)*

**UNEXPECTED FISCAL YEAR 2015 RULE-MAKING ACTIVITY:**

**CHAPTER 325**: New Markets Capital Investment Program*(Emergency and Non-Emergency)*

STATUTORY AUTHORITY: 10 M.R.S.A. §1100-ZZ; 36 M.R.S.A. §5219-GG

PURPOSE: The rule is necessary to protect the program from inappropriate use. In the course of administering the program, certain kinds of transactions have been eligible for tax credits under the existing rule that do not provide the level of direct public benefit that the Authority believes the program was intended to require, as stated in the legislative findings and intent found in 10 M.R.S.A. §1100-Z(1). The amendment addresses this issue by further defining a qualified low-income community investment, adding a restriction that such an investment does not include a transaction where more than a *de minimus* amount (5%) is used to refinance expenses already made, to make equity distributions, to acquire existing businesses, or to pay transaction fees.

ANTICIPATED SCHEDULE FOR EMERGENCY RULE-MAKING: The rule is proposed to be adopted on an emergency basis on August 20, 2015. The Authority is expected to find that emergency adoption of the rule is warranted to protect the program from inappropriate use.

ANTICIPATED SCHEDULE FOR NON-EMERGENCY RULE-MAKING: Approval for Rule-making: August 20, 2015; Public Hearing: September 17, 2015; Agency Adoption Date: October 15, 2015.

AFFECTED PARTIES: Potential program participants, as well as recipients of investments that qualify for tax credits.

CONSENSUS-BASED RULE DEVELOPMENT: The Authority does not intend to employ consensus-based rule development.

**CHAPTER 611**: Maine College Savings Program

STATUTORY AUTHORITY: 10 M.R.S.A. §969-A(14); 20-A M.R.S.A. §11489.

PURPOSE: To amend current procedures to incorporate federal and state law changes, program enhancements, and to provide for the efficient administration of the Maine College Savings Program.

SCHEDULE FOR ADOPTION: Approval for Rulemaking by FAME Board: January 2015; Adoption Date: April 2015.

AFFECTED PARTIES: All Maine residents interested in attending an institution of higher education or assisting someone else to attend an institution of higher education.

CONSENSUS-BASED RULE DEVELOPMENT: The Authority does not intend to employ consensus-based rule development.