

LD 846

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Amendment
Review
TAXATION

L.D. 846
(Filing No. H-)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 614, L.D. 846, “An Act To Promote Benefit Corporations”

Amend the bill by striking out the title and substituting the following:

'Resolve, Directing the Department of the Secretary of State To Develop Website Information Related to Promoting Benefit Corporations'

Amend the bill by striking out everything after the title and inserting the following:

Preamble. Whereas, in 2019, the State enacted legislation establishing a process for the establishment of benefit corporations with the explicit purpose of creating a general public benefit; and

Whereas, "a general public benefit" means a material positive impact on society and the environment, including but not limited to providing a benefit to underserved and underrepresented populations, promoting economic opportunities, protecting the environment and improving the health and resiliency of communities; and

Whereas, since the establishment of benefit corporation law in this State, a limited number of organizations have incorporated under that law. Barriers to incorporation under that law include a general lack of awareness and education concerning benefit corporations and an absence of information regarding the process available for businesses; and

Whereas, the purpose of this resolve is to create a public awareness of the benefit corporation framework and its meaning and intention and to provide transparent and easy-to-use directions supporting businesses exploring the option of establishing themselves as benefit corporations; now, therefore, be it

Sec. 1. Department of Secretary of State. Resolved: That the Department of the Secretary of State shall create a webpage on the department's publicly accessible website that provides information for the public regarding benefit corporations and the process for establishing such a corporation. The information must include:

COMMITTEE AMENDMENT

- 1 1. A description of what a benefit corporation is and the purposes for the establishment
2 of a benefit corporation;
- 3 2. A list of forms and fees required to create a benefit corporation;
- 4 3. A list of frequently asked questions and answers to those questions; and
- 5 4. A link to at least one nonprofit entity that assists persons seeking to establish a
6 benefit corporation.

7 When creating the webpage required in this resolve, the Department of the Secretary
8 of State shall solicit and consider recommendations and information from individuals who
9 are experts in the field of benefit corporations. The department shall also establish easily
10 identifiable links on its website to the benefit corporation webpage and ensure that the
11 webpage is accessible through its website search function.

12 **Sec. 2. Department of Economic and Community Development. Resolved:**
13 That the Department of Economic and Community Development, Office of Business
14 Development, shall:

- 15 1. Provide on its publicly accessible website a link to information about benefit
16 corporations available on the website of the Department of the Secretary of State;
- 17 2. Require organizations with which the department partners to provide business
18 development resources to businesses in this State to include on their publicly accessible
19 websites information about benefit corporations, including links to information about
20 benefit corporations on the website of the Department of the Secretary of State and
21 resources available on websites of organizations specifically supporting benefit
22 corporations; and
- 23 3. Provide information about benefit corporations and resources supporting the
24 development of benefit corporations to organizations that the department supports with
25 funding and other resources to assist the department in its mission of enhancing and
26 sustaining economic prosperity in the State.'

27 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
28 number to read consecutively.

29 SUMMARY

30 This amendment replaces the bill, which is a concept draft. The amendment changes
31 the bill to a resolve directing the Department of the Secretary of State to develop a webpage
32 on its publicly accessible website that provides easily accessible information about the
33 purposes of benefit corporations and the method of forming such a corporation. The
34 resolve also requires the Department of Economic and Community Development, Office
35 of Business Development to provide a link on its publicly accessible website to information
36 about benefit corporations on the website of the Department of the Secretary of State, to
37 require organizations with which the department collaborates in business development to
38 provide information about benefit corporations on their websites and to provide
39 information about benefit corporations to organizations that the department supports that
40 assist the department's mission related to economic prosperity.



130th MAINE LEGISLATURE

LD 846

LR 1622(02)

An Act To Promote Benefit Corporations

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Taxation

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Secretary of State and the Department of Economic and Community Development to implement the requirements of this legislation can be absorbed within existing budgeted resources.

No appropriations/allocations section required.