

# FILM IN MAINE

## REIMBURSEMENT GRANT PILOT PROGRAM

### Purpose and General Information

The Maine Film Office *Film in Maine Reimbursement Grant Pilot* is funded through the Maine Office of Tourism, Outdoor Recreation & Film. This pilot program is intended to stimulate filmmaking in the state and demonstrate the economic benefit of filming in Maine.

The pilot program requires the visual media production company to incur a minimum of \$1,000,000 of qualifying labor and non-payroll production expenditures in Maine for a single project and meet the Maine Film Office eligibility requirements. The total program budget is anticipated to be \$700,000 but is contingent upon available funds. Limit one (1) reimbursement grant annually per visual media production company. The Maine Film Office anticipates awarding two reimbursement grants with a project cap of up to \$350,000 each. At least one grant will be awarded to an eligible project with a storyline that is set in Maine.

### Eligible Applicants

Any qualifying visual media production company headquartered in-state or out-of-state.

### Eligible Projects

Feature film (narrative or documentary), television pilot, episodic television show/series and television miniseries or digital streaming show/series are eligible to apply for the *Film in Maine Reimbursement Grant Pilot Program*.

### Ineligible Projects:

- A. A production with the primary purpose of political advertising, fundraising, or marketing.
- B. Non-fiction news programming, including weather, financial markets, and current events reporting.
- C. Live sporting event programming, including pre-event and post-event. For purposes of this exception, a live sporting event is a scheduled sporting competition, game, or race that is originated solely by an amateur, collegiate, or professional organization, institution, or association for live or tape-delayed television or satellite broadcast. The term does not include an episodic television series, a television pilot, a motion picture, or a documentary production in which sporting events are presented through archived historical footage or similar footage taken at least 30 days before it is used.
- D. Radio productions.
- E. Video game production.
- F. A talk, game, or award show or other gala event. For this exception, an award show is television programming involving the filming of a ceremony in which individuals, groups, or organizations are given awards.
- G. A production for which records are required to be maintained by 18 United States Code, Section 2257.

### Application Requirements

To qualify for the reimbursement, the visual media production company or its agent must:

- A. Complete the online [registration/application form](#) on the FilmInMaine.com website.
- B. Provide financial information reasonably demonstrating that the production company has secured at least 60% of the visual media production budget upon submission of the

online registration/application. Financial information may include:

- Letter of Credit/Commitment: A letter from a bank or financial institution confirming they have approved financing for the project.
  - Financing Agreements: Signed agreements or term sheets with a private investor, bank, or equity funder confirming their investment or loan amount.
  - Distribution Agreement/Pre-sale Contracts: Contracts with a television network, streaming service, or studio that guarantees the production revenue upon delivery or completion.
  - Escrow Account Statements: Bank or escrow account statements showing that funds for the production have been deposited.
- C. Incur a minimum of \$1,000,000 of visual media production expenses in Maine.
- D. Provide a Certificate of Insurance for the visual media production
- E. Acknowledge that the production company is not owned by, affiliated with or controlled by, in whole or in part, a person that is in default on a loan made by the State or a loan guaranteed by the State.
- F. Agree to include, in the certified visual media production, an on-screen credit and/or logo for the Maine State Film Office.
- G. Include a preliminary budget breakdown including:
1. Lodging
  2. Restaurant/Craft Services
  3. Transportation within Maine
  4. Set Dressing Materials/Props/Construction
  5. Expendables
  6. Location Fees
  7. Equipment Rentals
  8. Other
- H. Include an estimated production timeline for pre-production, principal photography and post-production.
- I. Include an estimated payroll budget broken down by the estimated number of resident and non-resident crew and cast employed on the production.
- J. Include a copy of the screenplay.
- K. Qualifying visual media productions must receive a Production Certificate from the Maine Film Office prior to the start of principal photography in Maine.

## Reimbursement Rates

### Eligible Labor Expenses:

Salary and wages for work performed in the state of Maine, paid to persons employed on the visual media production

- 25% Reimbursement rate for **Maine resident labor** (Above and Below-the-Line).
- 20% Reimbursement rate for **non-resident labor**. (Above and Below-the-Line).
- The reimbursement rate on labor is only on the first \$75,000 per individual for both above the line and below the line, resident and non-resident employees, and it includes wages paid through a loan out corporation.

### Eligible Non-payroll Production Expenditures:

25% of qualifying non-payroll spend directly incurred within the state of Maine for pre-production, production or post-production of a visual media production certified by the Maine Film Office

### **Eligible Non-Payroll Production Expenses**

Qualified expenses must be for the production specific to this award and payment must be to a Maine vendor. Qualified expenditures include, but are not limited to:

- A. Set construction materials/props and related materials;
- B. Operations costs in Maine;
- C. Rental of production equipment and facilities from Maine vendors, including location fees and equipment used in the State;
- D. Wardrobe/hair/makeup;
- E. Camera/video and sound synchronization, lighting and related services and materials;
- F. Editing and related services, including film processing, transfers of film to tape or digital format, sound recording, mixing and synchronization;
- G. Computer graphic services, special effects services, and animation services;
- H. Renting/leasing of vehicles within the state of Maine;
- I. Meals/Craft services, lodging and per diem for cast members, staff and crew;
- J. Transportation expenses within Maine incurred by persons employed in the production of the project in Maine; and
- K. Legal and accounting services performed in Maine during normal production operations by attorneys or accountants licensed in Maine.

### **Non-Qualifying Production Expenditures:**

- A. Expenses incurred in marketing or advertising a visual media production or in duplication or distribution of a visual media production.
- B. Items purchased online, unless the company from which the purchase was made is headquartered in Maine.
- C. Fringe benefits for cast, staff and crew.

### **Application Review Criteria**

Applications must meet all program eligibility requirements, and all required documentation must be received before an application will be reviewed. This program is not administered on a first-come, first-served basis. All projects will be reviewed by a committee designated by the Maine Film Office. Applications will be evaluated through a competitive scoring process including the project's anticipated economic benefit to Maine, and other factors, at the discretion of the Film Office, that are in the best interest of the State. Submission of an application does not guarantee a reimbursement will be made.

The following factors will be considered in determining economic benefit and what is in the best interest of the state:

- A. Estimated total Maine resident labor;
- B. Estimated non-payroll production expenditures in Maine;
- C. Number of principal photography days and partial days in Maine;
- D. Number of principal photography days and partial days in select Maine counties (Androscoggin, Aroostook, Franklin, Kennebec, Oxford, Penobscot, Piscataquis, Somerset, Washington, Hancock County (excluding Mt. Desert Island)).
- E. Production has Maine storyline/is set in Maine;
- F. Director, Producer, Director of Photography or Screenwriter is a Maine resident.
- G. Other factors that, at the discretion of the Maine Film Office, are in the best interest of the state.

## **Requirements of Final Production Report to Maine Film Office**

Visual media productions selected by the Maine Film Office must complete a final production report. The report must be turned in no later than 30 days after final accounting and close of books on the visual media production.

- A. The visual media production company shall submit the final report utilizing the funding request form provided on the FilmInMaine.com website.
- B. Employee Labor/Wages and non-payroll production expenses being claimed must be reported using Maine Film Office Form FIM01.
- C. Accompanying the final report shall be an itemized spreadsheet broken down by the following expense categories:

### **Qualifying Labor in Maine**

1. Number of Maine Resident Employees
  - a. Employees on Payroll
  - b. Independent Contractor Employees
2. Number of Non-Resident Employees
  - a. Employees on Payroll
  - b. Independent Contractor Employees
3. Total number of employees hired for this production
4. Resident labor paid
5. Non-resident labor paid

### **Qualifying Non-Payroll Production Expenses in Maine**

1. Lodging
  2. Meals/Craft Services
  3. Transportation within Maine
  4. Gasoline
  5. Set Construction/Dressing Materials & Props
  6. Expendables
  7. Location Fees
  8. Equipment Rentals
  9. All Other
- D. Copies of receipts for non-payroll visual media production expenses incurred in Maine. Receipts must clearly show date of purchase, amount of purchase, location of purchase and description of items purchased. Online purchases do not qualify unless the company from which the purchase was made is headquartered in Maine. The Maine Film Office, at its sole discretion, reserves the right to disqualify expenses that in its opinion do not qualify for reimbursement.
  - E. Completed Form FIM01 Worksheet.
  - F. A final list of all filming locations and number of days/partial days in each location.
  - G. A screen grab of the Maine Film Office on-screen credit.

## **Terms**

- A. The Maine Film Office will inform grant applicants if they qualify for reimbursement within 30 days after the submission deadline.
- B. The visual media production company must complete the [State of Maine Substitute W-9 & Vendor Authorization Form](#) and return it to the Maine Film Office prior to submitting final production report.
- C. Visual media production companies awarded the grants agree to sign the standard State of Maine service contract.

- D. The visual media production company shall provide a projected schedule for preproduction, production and postproduction of the visual media production that shows that the production will begin within 12 months after certification.
- E. Visual media production companies receiving the reimbursement agree to allow the Maine Film Office to publicly release financial information to demonstrate the economic benefits of the visual media production to the state of Maine. Information shall include, but is not limited to:
  - 1. Production Name
  - 2. Total visual media production budget
  - 3. Total resident labor costs
  - 4. Total non-resident labor costs
  - 5. Breakdown of Maine residents and non-residents employed in Maine including job titles
  - 6. Total non-payroll production expenses in Maine
  - 7. Total number of principal photography days in Maine
  - 8. Number of principal photography days in select counties
  - 9. List of film locations in Maine
  - 10. Distribution plan for visual media production
  - 11. Total reimbursement amounts paid to visual media production company
- F. If a project's economic benefit to the state does not reasonably align with the initial estimate, the Maine Film Office reserves the right to disqualify the production from the pilot program.

## Definitions:

- A. Above-the-Line – Visual media production employees responsible for the creative development, production and direction of a visual media production, and principal actors with a significant role in the visual media production.
- B. Below-the-Line – Visual media production crew members who are responsible for the day-to-day operations of getting a visual media production made, and who are not Above-the-Line employees.
- C. Feature Film – A production of a film intended for commercial distribution and that has a running time of at least seventy-five (75) minutes in length.
- D. Labor – Wages, salaries and per diem expenses paid to employees or contract workers in compensation for their work on a visual media production in Maine. Compensation is only for work conducted within the state of Maine.
- E. Miniseries – A set of two (2) or more filmed projects or episodes produced for commercial distribution and based on a single theme or storyline.
- F. Maine resident – A person who maintains a permanent place of abode in Maine and filed a Maine tax return in the previous year.
- G. Non-Payroll Expenditures – Expenditures incurred in Maine and paid to Maine vendors for non-labor costs.
- H. Per diem - A daily allowance paid to cast and crew to cover expenses like meals and laundry when working away from home.
- I. Post-production – The final activities in a qualified production, including but not limited to editing, foley recording, Automated Dialogue Replacement (ADR), sound editing, negative cutting color correction and sound mixing.
- J. Pre-production – The process of preparation for actual physical production. This typically includes but is not limited to activities such as location scouting, hiring of key crew members, and establishment of a dedicated production office.
- K. Principal photography – The phase of production during which a production is actually shot, as distinguished from pre-production and post-production.
- L. Television Pilot – The first episode of a potential television series used to showcase the show's concept, characters, tone, and story to networks and potential investors.
- M. Television Series – A set of no less than six (6) interrelated episodes of regularly occurring production intended for commercial distribution.
- N. Visual media production - A single-medium or multimedia feature film, television show or series, or video intended for a local, regional, national or international audience and fixed on film, digital video or other delivery medium that can be viewed or reproduced and that is exhibited in theaters or by individual television stations or groups of stations, television networks or cable television stations or via other means licensed for home viewing.
- O. Visual media production company - A person/company engaged in the business of producing a visual media production