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2010 Annual Report of the Maine Regulatory Fairness Board

to

The Joint Standing Committee on Labor, Commerce, Research and Economic
Development,

The Joint Standing Committee on State and Local Government,

and

The Honorable Paul R. LePage, Governor of Maine

Pursuant to 5 MRSA §57

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Executive Summary

The Maine Regulatory Fairness Board (RFB) is comprised of members who are or have been owners, operators, or officers of businesses operating throughout the State to hear testimony concerning regulatory processes, interactions, and roles between businesses and government agencies. During 2010, RFB held two public meetings in Augusta and two public hearings, one in Augusta and one in Calais. This report summarizes the Board's activities during the year 2010 including information presented to RFB and the resulting recommendations from RFB. Topics of discussion include:

Administrative Procedures – RFB supported a bill proposing the establishment of an Independent Office of Administrative Law Judges to hear and decide all agency enforcement actions. The result of this bill established a stakeholders' group to conduct a study of the protocols for resolving complaints made to occupational and professional licensing boards. In anticipation of the final presentation from the stakeholders' group, RFB has adopted as a recommendation from a proposal by John M.R. Paterson to enact legislation requiring that any action by an occupational or professional licensing board to revoke or suspend a license be undertaken solely before an independent Administrative Law Judge.

The "Backfit Rule"– Former RFB member Michael Meisner asserted that without regulatory stability, business is unable to conduct long-term planning with any reasonable degree of certainty. Meisner described a rule set that could be broadened and adopted at the state level to ensure order, discipline, and predictability in regulatory processes while maintaining cost effectiveness and without inhibiting the ability to add new publicly beneficial regulation.

Subjects from RFB 2010 hearings:

- Limited means of recourse for licensees who feel misjudged or mistreated by regulatory boards.
- Complaints against professional licensees are without cost to the complainant but must be defended by a licensee who, if found to be in error, is responsible for the costs of any hearings.
- Discussion of the professional licensee complaint resolution process, a description of the adjudicatory hearing process, and the debate between licensing boards comprised of industry professionals verses an administrative law judge system.
- Industry and trade associations situated to improve state-run regulatory compliance assistance efforts for small businesses. More effort could be made to help firms with proactive compliance.
- Federal and state government regulatory boards not well equipped to understand or interpret tribal/cultural laws and histories.
- A regulatory review board's position – first to adjudicate projects on their merits, and second to facilitate the petitioners of the projects.
- Industry-wide regulations can be burdensome and possibly unnecessary for small markets where consumers have additional means of recourse against unsafe or unsound practices.
- Maine government as a stronger advocate for Maine in light of federal regulations.
- Informational, policy, and regulatory meetings held in places that are more accessible to community stakeholders.
- Community impact evaluations (including social and economic), not just environmental impact evaluations, for regulation implementation.

Introduction

The Legislature created the Maine Regulatory Fairness Board (RFB) in 2005 to hear testimony and to report to the Legislature and the Governor on regulatory and statutory changes necessary to enhance the State's business climate (see appendix A). RFB hears testimony to elicit public comment from Maine businesses concerning: interactions or roles between businesses and government agencies; specific state regulations which seriously impact business; kinds of assistance, subsidies, grants, or other forms of aid that could be improved or better marketed; and other specific suggestions that could improve communications, programs, or policies between Maine's businesses and state agencies.

The RFB meets in different regions of the state to hear testimony from business community representatives and also holds public meetings in Augusta for administrative and operational purposes and to discuss public comments received in writing in between public hearings. After being inactive in 2008, the current RFB reconvened in July of 2009. During 2010, RFB held two public meetings in Augusta and two public hearings, one in Augusta and one in Calais. This report summarizes the Board's activities during the year 2010 including information presented to RFB and the resulting recommendations from RFB.

Throughout the sections of this report summarizing testimony submitted to RFB during the year, **bold typeface** has been used to indicate that the Board considers a statement made by a witness to be of merit for serious consideration by decision makers and/or related legislative committees.

Regulatory Fairness Board Members

The Board is comprised of seven members who are or have been owners, operators, or officers of businesses operating throughout the State. One member is appointed by the President of the Senate, one member is appointed by the Speaker of the House, and five members are appointed by the Governor, at least two of whom must represent businesses with fewer than 50 employees and at least two of whom must represent businesses with fewer than 20 employees.

Members of the Board volunteer their time and their unique expertise to serve as liaison between the State's business community, regulatory authorities, and law makers. Board members serve three-year terms and may serve up to three consecutive terms, and a Chair and Vice-Chair are elected annually. There is one vacancy on the Regulatory Fairness Board at present. The six current members are:

- Eliot Stanley, Chair, of Portland, appointed by the Governor.
- Linda Snyder, Vice-Chair, of Auburn, appointed by the Governor.
- Marie Emerson, of Addison, appointed by the Speaker of the House.
- Van L. Perry, of Readfield, appointed by the Governor.
- Edward S. Phillips, Jr, of Winthrop, appointed by the Governor.
- Elizabeth Shissler, of Harpswell, appointed by the Governor.

(See RFB member bios in appendix H.)

Regulatory Fairness Board Activity

All RFB meetings are public and the agendas and notes from these meetings, as well any transcripts of public testimony, are made publicly available (see appendices B-F). RFB met for two public meetings and two public hearings during the year 2010. During the public meetings, members discuss the role and direction of the board, review tasks assigned by the governor and legislature, speak with representatives of state agencies, and assess written comments or complaints that have been received by email from members of the public or the private business community.

RFB members make an effort to connect with business leaders and networks to specifically invite participants to testify in front of the RFB for public hearings. Initial responses from these efforts guide the creation of hearing agendas that focus the topics to be covered at hearings. Additionally, announcements are made in local newspapers, including the *Kennebec Journal* for Augusta events, and online to further publicize the events to attract 'walk-ins' wishing to testify at the hearing for topics not on a proposed agenda. Information collected in meetings and hearings contributes to RFB's direction as the Board plans for future meetings and hearings.

The "Backfit Rule"

The March 25th, 2010 meeting commenced with a presentation from former RFB member Michael Meisner. In summary, Meisner explained that without regulatory stability, business is unable to conduct long-term planning with any reasonable degree of certainty. **A stable regulatory environment depends on the separation of government functions that enact and enforce regulations to avoid issues such as arbitrary regulatory interpretations or presumption of ill intent during regulatory procedures.**

Meisner continued to describe a solution used by the federal Nuclear Regulatory Commission known as the "Backfit Rule". Such a rule set requires formal, systematic review of all new regulations and interpretations of existing regulations. Licensees can also request such reviews and appeal decisions made by the standing committee responsible for reviewing and approving regulatory changes. New regulations or interpretations must demonstrate a substantial public benefit commensurate with their cost, and regulatory agencies must establish an internal panel to enforce staff compliance. Essentially, such a rule set is intended to ensure order, discipline, and predictability in regulatory processes while maintaining cost effectiveness and without inhibiting the ability to add new publicly beneficial regulation.

Administrative Procedures

RFB worked with Representative Nancy Smith to introduce a bill to the 124th Maine Legislature titled "An Act to Establish an Office of Administrative Law Judges for Licensing Boards" that became LD# 1608. This bill proposed the establishment of an Independent Office of Administrative Law Judges autonomous from the licensing boards and to hear and decide all agency enforcement actions.

During the 124th session, this bill was amended to be replaced by Resolve 191 directing the Commissioner of Professional and Financial Regulation (PFR), in consultation with various stakeholders including the RFB, to conduct a study of the need to establish protocols for the resolution of complaints made to occupational and professional licensing boards within and affiliated with the Department of Professional and Financial Regulation. The findings of this study will be presented to the joint standing

committee of the Legislature having jurisdiction over business, research and economic development matters by February 15, 2011. As initially amended, the committee would have been authorized to submit a bill regarding the subject matter of the study to the First Regular Session of the 125th Legislature after the January 7th deadline for bill submissions, but an additional amendment removed this authority before the final version was signed into law.

In anticipation of the final presentation from PFR, John M.R. Paterson of Bernstein Shur's Litigation Practice Group and former Deputy Attorney General proposed three options in outline form which he identified as essential for the fairness of regulatory proceedings involving licensees, included here:

Option #1

- A. Repeal 5 M.R.S.A. S 10051 and enact replacement legislation requiring that any action by an occupational or professional licensing board or agency to revoke or suspend a license or to impose other forms of discipline or sanctions shall be undertaken solely by the board or agency filing a complaint in the Maine District Court, but permitting the board or agency to retain all powers to investigate complaints, negotiate administrative consent agreements or prosecute matters in the District Court.
- B. Provide that the District Court will apply the rules of Civil Procedure and Evidence.
- C. Enact a provision in 5 M.R.S.A. Subchapter VI requiring that the board or agency shall, before filing a formal complaint against a licensee, notify the licensee of the potential charges and the facts on which they are based, and provide the licensee the right to request an informal conference with the members of the board or agency.
- D. Enact appropriate amendments to 5 M.R.S.A. §§10003 and 10 M.R.S.A. §8003(5) and (5-A) to conform to the foregoing.
- E. Amend 5 M.R.S.A. §§9051-9063 and § 10001 to make it clear that these sections, which set out the procedure for "adjudicatory proceedings," only apply to proceedings involving non-occupational licenses (e.g. a DEP hearing) and do not apply to any proceeding by a professional or occupational board or agency to impose discipline or deny a license.
- F. Repeal the provisions in any statute that authorize an occupational or professional licensing board or agency to assess costs of investigation and prosecution against the licensee.

Option #2

- A. Repeal 5 M.R.S.A. § 10051 and enact replacement legislation requiring that any action by an occupational or professional licensing board to revoke or suspend a license or to impose other forms of discipline or sanctions shall be undertaken solely in a hearing before an independent Administrative Law Judge (ALJ) who is neither hired nor paid by and who does not report to the agency or board, but also providing that the board or agency shall retain all powers to investigate complaints, negotiate administrative consent agreements or prosecute the matter before the ALJ.**
- B. Enact legislation providing that the ALJ will apply the rules of Civil Procedure and Evidence.**
- C. Enact a provision in 5 M.R.S.A. Subchapter VI requiring that the board or agency shall, before filing a formal complaint against a licensee, notify the licensee of the potential charges and the facts on which they are based, and provide the licensee the right to request an informal conference with the members of the board or agency.**

- D. Enact appropriate amendments to 5 M.R.S.A. §§10003 and 10 M.R.S.A. §8003(5) and (5-A) to conform to the foregoing.
- E. Amend 5 M.R.S.A. §§90S1-9063 and §10001 to make it clear that these sections, which set out the procedure for "adjudicatory proceedings," only apply to proceedings involving non-occupational licenses (e.g. a DEP hearing) and do not apply to any proceeding by a professional or occupational board or agency to impose discipline or deny a license.
- F. Repeal the provisions in any statute authorizing the board or agency to assess costs of investigation and prosecution against the licensee.
- G. Add new provisions to Title 10 directing the Commissioner of Professional and Financial Regulation to create an Office of Administrative Law Judges and authorizing a system for selecting and compensating ALJs and assigning them to board or agency hearings.

Option #3

- A. Repeal 5 M.R.S.A. §100S1, amend 5 M.R.S.A. §10003 and enact new legislation in 5 M.R.S.A. Subchapter V providing that in any proceeding by an occupational or professional licensing board to revoke or suspend a license or to impose other forms of discipline or sanctions
 - a. the licensee shall be entitled to a hearing before an impartial third party who has not (i) participated in any investigation or evaluation of the matter, (ii) been involved directly or indirectly in settlement negotiations with the licensee, and (iii) is not a member or employee of, and does not report to, the board or agency; and
 - b. in any disciplinary hearing, only evidence admissible under the Maine Rules of Evidence may be admitted and considered.
- B. Enact a provision in 5 M.R.S.A. Subchapter VI requiring that the board or agency shall, before filing a formal complaint against a licensee, notify the licensee of the potential charges and the facts on which they are based, and provide the licensee the right to request an informal conference with the members of the board or agency.
- C. Enact appropriate amendments to 5 M.R.S.A. §§10003 and 10 M.R.S.A. §8003(5) and (5-A) to conform to the foregoing.
- D. Amend 5 M.R.S.A. §§90S1-9063 and §10001 to make it clear that these sections, which set out the procedure for "adjudicatory proceedings," only apply to a proceedings involving non-occupational licenses (e.g. a DEP hearing) and do not apply to any proceeding by a professional or occupational licensing board or agency to impose discipline or deny a license.
- E. Repeal the provisions in any statute authorizing the board or agency to assess costs of investigation and prosecution against the licensee.

MRFB recommends option number 2, in bold typeface above, based on involvement in this topic since Board inception in 2006. This is the most cost effective option to provide the defendant legal and procedural due process. With this option, the cost is borne by the boards which require the service. Additionally, this option includes an administrative law judge system that has seen some support by the new administration in the proposal to replace the Board of Environmental Protection with such a system.

May 2010 Hearing Topics

The presentations provided at the May 2010 hearing in Augusta are summarized here, in order of appearance:

Joseph Benedetto, DDS

Dr. Benedetto's presentation is on the topic of flaws related to handling dental complaints, and he states that there is an atmosphere of fear and retribution among dentists who do not want to speak out for fear of having to appear before their regulatory board in the future. Dr. Benedetto explains that no dentist goes to the office in the morning with the intention of harming a patient. During one complaint review process, Dr. Benedetto was disciplined for matters beyond the scope of the patient's initial complaint. He explains that the patient's complaint was about the dentist's unprofessional conduct, not about dental care. Dr. Benedetto was accused of violating the "standard of care", but explained that the "standard of care" is used as a subjective "catch-all" by the Board of Dental Examiners (BDE).

Dr. Benedetto presented a series of recommendations including:

- Create a complaint committee comprised of an odd number of people to meet with complainants separate from regular Board meetings to interview complainants under oath and made publically available by transcription. If found to be untrue and/or unsubstantiated, the complainant should have an understanding of his or her potential liability in a civil or criminal court of law.
- Improve the quality, accessibility, and timeliness of all written and audio records of regulatory board discussions.
- A patient's clinical record should not be included in the investigation of a non-clinically related complaint. Investigations should focus on the complaint alone, not other potential issues.
- **Provide licensees with improved means of recourse in the event that they feel that they have been misjudged or mistreated by a regulatory board.** Under no circumstances – except a bona fide emergency situation - should a licensee be prohibited from continuing practice until due process has been followed.
- Mandate that the boards provide any copies of reports intended for filing in national databases to the referenced licensee before submission.

Krista Nordlander, DDS

Dr. Nordlander is a former Maine dentist and testified that conflicts resulting from the transition between offices led to unforeseen difficulties resulting in BDE disciplinary action accusing Nordlander of psychiatric instability and abandoning patients. Dr. Nordlander expressed concerns with BDE hearing complaints from patients or former employees, with no cost or burden to the complainant, which must then be defended by the licensee (with no vulnerability to the complainant). **If the licensee is found to be in error, the licensee pays the bills for the proceedings, but there are no such consequences for complainants.**

Denise Nadeau, DDS

Dr. Nadeau summarized her experiences in opening a dental practice, complications with MaineCare reimbursements, and conflicts with staff that escalated to complaints against Dr. Nadeau to the BDE. She claimed that the allegations that eventually suspended her license were misunderstandings, and she gave examples of unfair BDE conduct including her being "forced" directly into an adjudicatory setting without an informal conference, being charged for BDE members' refreshments, and one hearing lasting 16 hours with some BDE members sleeping through parts of the hearing. Dr. Nadeau recommended changes in BDE policy, especially concerning investigations into the types of complaints received from complainants making unjust accusations. Dr. Nadeau emphasized that **a complainant should have just as much at stake for making the complaint as the licensee against whom the complaint is made.**

(Not present at the May hearing, but with testimony relevant to the above) Traci L Dempsey, Independent Practice Dental Hygienists (IPDH), wrote to RFB in late November with concerns about BDE oversight of independent dental hygienists. Her comments are summarized here:

A recent formation of an ad-hoc committee by the Maine Board of Dental Examiners (BDE) to examine the practice of Independent Practice Hygienists utilizing Public Health Supervision is working to change policy and rules relating to the practice of dental hygiene. Currently BDE is made up of a majority of dentists with four members and a minority representation from one Licensed Denturist, two Registered Dental Hygienists', and one Public Member. There is currently no representation for Independent Dental Hygienists on the BDE. One issue is that dental hygienists must be employed by a dentist, **when dental hygienists are licensed to practice independently they become competitors to dentists, and thus there is a conflict of interest for hygienists and independent practicing hygienists to be regulated by their employers and competitors.**

Lisa Martin, Executive Director, Manufacturers Association of Maine (MAMe)

Lisa Martin began her testimony with a brief introduction of MAMe and explained that a major issue within her industry is a major lack of understanding among businesses regarding what is required to stay within regulation. Ms. Martin stated that MAMe is trying to be proactive to assist companies in achieving a level of compliance with regulators. **Her recommendation is for compliance assistance efforts run by the state to have an interface to small businesses through industry and trade associations rather than through state agencies.**

Chip Roche, President, NewFab Inc.

Mr. Roche stated that too many small companies do not have the resources or expertise to know what they must comply with, or to put a system in place to comply with many regulations. Even organizations that are trying to help businesses fulfill regulatory requirements can seem threatening if they appear to be representing an enforcement agency. Mr. Roche is not opposing any regulations, but he is looking for assistance in meeting the regulations. Mr. Roche adds that it is easier for a company with 100+ employees to be proactive to certain regulations, as opposed to paying fines for being out of compliance. **Smaller firms are often forced to learn about regulations retroactively, and there should be efforts made to help small firms with fewer resources reach a level of proactive compliance.**

Jim McGregor, Director Government Affairs, Maine Merchants Association (MMA)

Jim McGregor introduced MMA as a statewide, nonprofit trade association representing over 400 businesses in the state - from large chains to small independent retailers. His testimony specifically addressed two recent LDs from the second regular session of the 124th Maine Legislature.

- LD 1779 prohibits merchants from applying a surcharge to debit card transactions. Mr. McGregor asserted that this mandates a business sector to stop a practice it had not started, and had no plans to begin -- banning a business activity that had never generated a single consumer complaint.¹
- LD 1565 gives the executive director of the Maine Workers' Compensation Board authority to shut down a work site the agency head believes is using a misclassified, independent contractor. Maine Merchants Association and others felt the new law established a dangerous precedent and sent a message that the state is unfriendly to business.²

Mr. McGregor suggests that the next governor assemble a cabinet-level task force to find ways to limit undue business regulation and to make Maine more attractive to business. MMA's criticism of the governor's Joint Enforcement Task Force on Employee Misclassification was that it was pro-regulation in nature, and that it did not include members from the private business sector.

Panel on Due Process in State Licensing Board Systems

- Commissioner Anne Head, DPFR
- AAG Andrew Black, AG's Office
- Kenneth Lehman, Esq.
- David McConnell, Esq.

PFR Commissioner Anne Head started the discussion and described the process of the LD 1608/Resolve 191 working group. There are many ways to structure the complaint resolution process and adjudicatory hearing process, and the working group will be working on this.

In response to the enquiry about why clinical records would be used in an investigation on unprofessional conduct, Assistant Attorney General Black explained that an investigation into an issue other than what the original complaint was addressing is not uncommon. Complainants do not necessarily know how to address specific violations, but they can raise an alarm that something is wrong, and investigators must consider any evidence made available. Additionally, a complaint of misconduct may be an indicator of more serious malpractice. A licensing board's duty is to protect the public, and if the board finds something that is not specifically addressed by the complainant, this must be addressed by the board members – they have an obligation to explore other issues necessary to determine the nature of the relationship between complainant and practitioner.

¹ LD 1779 was enacted to public law (chapter 618), effective 90 days following adjournment of the 124th Legislature, Second Regular Session, thus expanding the prohibition of surcharges on credit cards to include debit cards.

² LD 1565 was enacted to public law (chapter 649), effective July 12, 2010, with an amendment allowing hiring agents or construction subcontractors three days to delay a stop order to provide evidence of being in compliance with law (that any employees in question have been provided and will continue to be provided workers' compensation coverage).

AAG Black stated that the role of the AAG is not as a decision maker in any investigative process. All decisions, terms, agreements, and et cetera are made by the boards themselves, and the AAGs serve only as legal advice for the boards. In no role does the AAG make a decision that affects the rights of an individual.

The group then discussed the proposed LD 1608, which called for the hiring of administrative law judges, essentially replacing hearing officers. A hearing officer is not a decision maker; he or she just regulates the proceedings as a trained attorney, familiar with litigation with hearings, who makes evidentiary rulings, typically helps the board in deliberation, and drafts the decision at the end pursuant to the directives of the board. An Administrative Law Judge, as referenced in LD 1608, is an individual who makes all the decisions him or herself. The current policy is that professionals hear the complaints of peer professionals in their respective fields; LD 1608 removes the industry-related professional from the decision making process. Professionals understand when a complaint is meritless even when an attorney may think it's a legitimate complaint – this means professionals may be *more* likely to *dismiss* the complaints against their peers.

Maine Board Dental Examiners Panel

- Denise Theriault, DDS, Board President – speaks first
- Philip Higgins, Jr DDS Board V-P – speaks second, goes over complaint process
- Diane Denk, Public Member of BDE
- Dennis Smith, AAG assigned to BDE

The BDE complaint process was first summarized: BDE uses the current administrative procedures act and is provided with an AAG to make sure the BDE stays within the bounds of APA. BDE will recuse itself in any situation where it feels it cannot adequately weigh evidence. Licensing boards dismiss about 50% of complaints with no disciplinary action. About 70% of complaints brought to BDE are dismissed without discipline. The vast majority of complaints come from patients or parents of patients, or from the BDE itself. Other complaints are received from outside sources, perhaps from law enforcement. Nothing can be investigated without a complaint being filed.

Names of licensees and complainants are not discussed – BDE discusses complaints by number, and sends complaints to licensee to respond within 30 days. The complainant receives a response of the licensee and has 10 days to make a rebuttal. BDE, with complaint officers, then has a conference call to discuss merits of the complaint. BDE must then determine if there is a violation recognized by the dental practices act. BDE can then dismiss the conference and invite the licensee to an informal conference (which occurs in executive session unless licensee wishes otherwise), and a licensee must have signed an agreement confirming that they understand nothing in this meeting will be used outside of it. Following this informal hearing, the BDE can draft a consent agreement. Within 30 days, if the licensee does not sign the consent agreement, then BDE can schedule an adjudicatory hearing. All discussion in adjudicatory hearing must come from the hearing, not from any previous informal hearing, and this must all be documented. The BDE may dismiss the complaint or issue a decision (which may be taken to court) after the adjudicatory hearing.

Concerning how far back in time investigations examine, only information brought to the board related specifically to the complainant is used unless the BDE feels that there has been a violation of “the standard of care”. BDE does not mine records for additional information, but when information stands out, BDE has an obligation to consider it.

Diane Denk explained the role of public advocate to the board, including the monthly workload, and the level of objective detail required in examining complaints that are reviewed by all members of the BDE. "Ours is not a country club board which does drive-by business quickly over sumptuous lunches with large stipends. Our 1,400 page board books take hours and hours of reading, note taking, and study. There is not a single member of our board who enters the room with a personal agenda, a grievance to settle, or less than a 100% open mind."

Subsequent to the RFB hearing, the BDE took the initiative, which RFB members commended at a Stakeholders' Meeting on Resolve 191, to undertake the following: "The Maine Board of Dental Examiners, through its representatives, signaled its interest in working to create a panel, separate from the existing board, which would convene at the request of the board to hear disciplinary matters that could not be resolved through the consent agreement process. Proposed legislation that would effectuate the board's interest in the concept of a separate adjudicatory panel is not included in this report. It is likely, however, that such proposed legislation will be introduced for consideration by the 125th Maine Legislature." (Commissioner's Report Pursuant to Resolve, c. 191, Commissioner Anne Head of Professional and Financial Regulation, page 7, 28 January 2011.)

October 2010 Hearing Topics

The presentations provided at the October 2010 hearing in Calais are summarized here, in order of appearance:

Linda Cross Godfrey, Save Passamaquoddy Bay, Three-Nation Alliance

Ms. Godfrey spoke to RFB about some challenges related to Passamaquoddy Bay area stakeholders and LNG terminal proposals. Whether or not an LNG project moves forward, it is a volatile topic that has led to discomfort and hurt within the community. Whether it's LNG, medical marijuana, or et cetera, "these things seem to find their ways to remote towns and without state leadership or company representation assisting the locals." Eight years ago, LNG began to be of interest to people in Maine, first in Southern Maine as industry leaders attempted to place a terminal. Each location choice was fought by the respective community or other companies, and "it crept up the coast." The best places may have been in the southern part of the state, but Godfrey recalled a quote from the Governor in response the Harpswell's rejection of LNG, "There is always Washington County."

When the LNG proposal came to Pleasant Point, area residents didn't even know what it was. There was an announcement for a community meeting to discuss the issue, inviting those who live there to speak in a talking circle (a practice embedded in the culture of the tribe), joined by various government representatives and staff "experts" who support LNG. It is a David-and-Goliath circumstance where the players in support of LNG have millions of dollars. Six years has been spent trying to gain support from local interested parties and to secure regulatory approval.

Recommendations include:

- Maine needs a more defined process to determine and meet the needs of the state and the regions related to development projects. **The Brookings Quality of Place report has done an excellent job of defining how Maine can create jobs and foster business while**

still protecting quality of place. This document should be put into a document for policies, process, and implementation.

- Projects like the proposed LNG facility need to be fully decided by the state review processes before the Federal review starts instead of continuing the in-state debates while delaying the federal review.
- The Office of Environmental Justice during the Clinton Administration stated that no community because of their location or economy should have to fight harder for their home or their job for environmental security, and thus the Three-Nation Alliance proposes legislation that actually brings the concept of environmental justice to action.
- The Board of Environmental Protection needs to stay in place. BEP may further consider that once a review is in process, all members of the board participate in all deliberations. (Due to starts and stops in the Quoddy Bay LNG process, BEP has made and received announcements and decisions, but not all board members have been involved – only one person has been interacting with both sides through the whole process.)
- **There should be a member of BEP that is of Native American descent. The federal and state government is not setup to understand or interpret tribal/cultural laws and histories.**

Carl Sapers, St. Andrews

Mr. Sapers presented three specific recommendations/criticisms, and from a legal background, argued that process can be more important than substance relating to the Calais/Passamaquoddy Bay LNG terminal project:

- A process should be considered to help with or defray costs for citizens when presenting to organizations making postponements and multiplying costs. It is always a David and Goliath case when you are the public up against a regulatory or industrial body – obviously cannot match dollar for dollar. When Calais LNG asked for its first extension, Quoddy had already spent large amounts of its treasury in response, but Calais LNG had a budget to continue for multiple rounds.
- DEP has taken the narrowest view of jurisdiction – that it will issue its license if it finds that there is no adverse effect/impact on Maine citizens. **DEP must more broadly consider the impacts of such projects, for example, on the Canadian side of the Bay, and throughout the entire shipping lane that would be used.**
- During the LNG review process, BEP has granted five extensions to Calais LNG without any meetings for community opposition to make an argument. **The BEP chair has taken the position that the BEP's job is not to adjudicate, but rather to facilitate the petitioner. A Board's position should be *first* to adjudicate the project on its merits, and then to facilitate to petitioner.**

Cheryl Wixson, (MOFGA), Agriculture engineering & licensed professional engineer, Organic Marketing Consultant for MOFGA

MOFGA supports a safe and secure food system, and is active at both the national and local levels in advocacy for food education, safety, and access to market opportunities. The USDA uses GAP – Good Agricultural Practices – a one-stop-shop that can be problematic for small farms. The FDA uses a scientific and systematic approach that looks at the process from seed to

market bag, evaluates where contaminants would enter the process, and then investigates how to mitigate the damage between these points. MOFGA favors a system that would combine elements of both. Two regulatory agencies and both houses of congress have been grappling with legislation, and most of this has been for large, national, industrial farms, thus not addressing Maine's agricultural environment. The breakdowns of food safety systems occur in large environments – like 10 farms sending lettuce to a bagging facility. If one has salmonella, all are affected. Small, local distributors are not subject to this risk. MOFGA emphasizes that strategies for reducing risk in local food production should include education to farmers and consumers and conversation around ways to increase local food systems, not increased regulation. "We need a Department of Agriculture and state leaders who are committed to rebuilding a local food system which has been dismantled."

Recommendations include:

- **The Maine Department of Agriculture (DoA) should not continue to re-interpret the federal food code. The state should further engage in conversation concerning how DoA's interpretation can harm local food systems. MOFGA feels that Maine has been re-interpreting because of the increased consumer awareness of food safety. Since this time, DoA has made it more difficult for local farmers to market their food, despite lack of evidence that local food is making people sick. The consumer must still be protected, but smaller farms are by their nature more accountable and more personable – the consumer has recourse to a small, local farm where the consumer has no such power over an industrial system – and do not require the centralized protections of larger food systems.**
- Raw milk is an example where the state is working as an advocate. The FDA wants to shut down all dairies who sell raw milk. As an advocate for these small, raw farms, the Maine Veterinarian is taking samples, building a database, and analyzing the results in support of raw milk to demonstrate the safety of it. Here, Maine is an advocate, and MOFGA would like to see continued advocacy for small farms by Maine to the FDA.

Sheila Dassatt, Exec. Dir., and Michael Dassatt, (DELA) Downeast Lobstermen's Association

State fisheries were split into zones, and certified fishermen are placed in zones to prevent overfishing. This has prevented overfishing, but it can take years to make it through the waiting list to be allowed a class 1 license in a zone. Some will not live long enough to receive this class 1 license. Additionally, trap tags and then trap limits have been established. Such rule changes allowed some fishermen to manipulate the rules to their benefit, thus leading to additional regulation.

Recommendations include:

- **The Maine governor and the Department of Marine resources need to be stronger advocates for Maine fishermen and not allow federal regulations such power. The State should assert more authority in managing its own fisheries, especially within the 3-mile border.**
- Licenses should be transferable to family members – this would allow veteran fishermen to retire, and it could free up much of the waiting list in the process because many people on the waiting list are directly related to a fisherman waiting to retire.
- Trap tags and the proposed tax for lobster catches are excessive relative to existing licensing and fees.

- **Informational, policy, and regulatory meetings should be held in places that are more accessible to people in the fishing community instead of in the larger cities to the south.**

Julie Keene, Commercial fisherman, Trescott Township

When regulations are implemented, there needs to be a community impact evaluation, not just an environmental impact evaluation. The local bay needs to be managed for local people – whole bay management, not just one species at a time. The state needs to reduce barriers for citizens to transmit testimony to Augusta and be more involved in the democratic process – avoiding discrimination against people who live further away in favor of people who live nearby the political offices. Furthermore, non residents should not be receiving commercial fishing licenses.

Dr. Robin Hadlock Seeley, Board member, Rockweed Coalition

Rockweed is a slow-growing plant that is harvested for many purposes. Because of the biology of the plant, with root systems capable of being 400-years-old, regulations dictates that 16 inches of each plant must be left behind during harvesting. Meanwhile, Department of Marine Resources (DMR) has examined areas that have been short-cut and not enforced the infractions. Part of the enforcement issue is that there are too few marine officers. **DMR has worked hard to be transparent concerning Rockweed work in Cobscook Bay, but there must also be increased emphasis on enforcement, and officers must be better equipped with proper maps and legal text.**

Kenneth Ross, Proprietor, Ross Cottage, Pembroke

Mr. Ross is a member of the Rockweed Coalition and operator of an historic seaside cottage. He is concerned over rockweed harvesting and expresses the need for more information about Cobscook Bay ecology, in particular, in finding a regulatory balance between modern rockweed harvesting and bay preservation. Mr. Ross asserts the importance of rockweed in the bay, and that many local people feel they have a traditional right to harvest the rockweed, parallel to tree harvesting in forested regions. However, mechanical harvesters which are being used in higher frequency seem to be quite injurious to the bay. A wider picture of the area economy and the jobs affected must be combined with a study of the various marine species dependent on rockweed to allow for a more holistic approach to resource management in the bay.

Dennis Bryant, DO and Dr. Rual Ugarta, Acadian Seaplants, Pembroke
William Look, Look's Lobster, Jonesport

Providing counter-arguments to the presentation from the Rockweed Coalition representatives, the presenters insisted that rockweed harvesting is done sustainably and by well-trained and well supervised local employees. Additionally, there is a cooperative spirit between fishermen and rockweed harvesters that is healthy for the sector.

MRFB recommends that comprehensive studies as conducted for the “Taunton Bay Advisory Group and Comprehensive Science-Based Management Plan” be conducted for areas like Cobscook Bay where debates like those summarized by the above four presenters are taking place. More information is available at the website: <http://www.maine.gov/dmr/council/tauntonbay/>, and the Taunton Bay pilot project report is available at: <http://www.maine.gov/dmr/baystudy/finalrpt/appendices/AppnL--TauntonBayReport.pdf>.

Jeffrey Wright, a registered Maine Guide, did not present during the hearing, but did submit a letter to the RFB detailing the divide between expert biologists and their scientific research/monitoring, economic development strategies from the rule makers in the legislature.

In summary, the biologists who work for agencies like Department of Fisheries and Wildlife have earned Masters Degrees and PhD's in fisheries and wildlife management, thus they are the experts. On the regulatory and enforcement side, however, their expert recommendations must be voted upon and passed by the State Legislature and then signed by the Governor. Thus all is subject to political pressures. The experts are best qualified to write the regulations without interference or political pressure. Not doing so is like hiring a highly qualified CEO for his expertise and not following his advice. In addition, the Department of Fisheries and Wildlife should be allowed more autonomy to reach its greatest potential. If allowed to manage the resources with its sound and proven management plans, there would be a significant economic impact for the whole state.

Appendices:

Appendix A: Public Law, Chapter 181

Title 5: ADMINISTRATIVE PROCEDURES AND SERVICES

Part 1: STATE DEPARTMENTS

Chapter 3: ADMINISTRATIVE DEPARTMENTS, AGENCIES, BOARDS, ETC., GENERALLY

§57. Maine Regulatory Fairness Board established

The Maine Regulatory Fairness Board, referred to in this section as "the board," is established to hear testimony and to report to the Legislature and the Governor at least annually on regulatory and statutory changes necessary to enhance the State's business climate. [2005, c. 458, §1 (NEW).]

1. Membership. The board consists of 7 members who are owners, operators or officers of businesses operating in every region of the State, as follows:

A. One member appointed by the President of the Senate; [2005, c. 458, §1 (NEW).]

B. One member appointed by the Speaker of the House; and [2005, c. 458, §1 (NEW).]

C. Five members appointed by the Governor, at least 2 of whom must represent businesses with fewer than 50 employees and at least 2 of whom must represent businesses with fewer than 20 employees. Prior to making these appointments final, the Governor or the Governor's designee shall present the appointments to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters. [2005, c. 458, §1 (NEW).]

An officer or employee of State Government may not be a member of the board.

[2005, c. 458, §1 (NEW) .]

2. Terms of appointment. Each member appointed to the board must be appointed to serve a 3-year term. No member may serve more than 3 consecutive terms.

[2005, c. 458, §1 (NEW) .]

3. Chair; election of board officers; quorum. The members of the board shall annually elect a chair and a vice-chair from among the board members. A majority of members of the board constitutes a quorum for the purpose of conducting the board's business, except a lesser number may hold public hearings.

[2005, c. 458, §1 (NEW) .]

4. Duties of board. The board shall:

A. Meet at least 3 times a year in different regions of the State to hear testimony from businesses regarding their concerns about enforcement activities of state departments and agencies; and [2005, c. 458, §1 (NEW).]

B. Report to the Governor and the Legislature at least annually on complaints of excessive enforcement actions against businesses by departments and agencies of State Government. The report also must include recommendations for regulatory and statutory changes, if any, that will enhance the State's business climate. [2005, c. 458, §1 (NEW).]

5. Annual report. The board shall report by February 1st of each year to the Governor and to the joint standing committee of the Legislature having jurisdiction over business and economic development matters and the joint standing committee of the Legislature having jurisdiction over state and local government matters on its findings and recommendations.

[2005, c. 458, §1 (NEW) .]

6. Technical assistance. The State Planning Office shall provide technical support to the board.

[2005, c. 458, §1 (NEW) .]

7. Compensation. Board members are entitled to compensation for expenses only pursuant to section 12004-I, subsection 2-G.

[2007, c. 676, §1 (NEW) .]

SECTION HISTORY

2005, c. 458, §1 (NEW). 2007, c. 676, §1 (AMD).

Appendix B: Complaint Resolution Process

RESOLVE Chapter 191

Signed on April 4th, 2010 - Second Regular Session - 124th Maine Legislature

Resolve, Directing the Commissioner of Professional and Financial Regulation To Study the Complaint Resolution Process

Sec. 1. Commissioner of Professional and Financial Regulation directed to study procedural changes in the complaint resolution process. Resolved: That the Commissioner of Professional and Financial Regulation, in consultation with interested parties including the Maine Regulatory Fairness Board, shall conduct a study of the need to establish protocols for the resolution of complaints made to occupational and professional licensing boards within and affiliated with the Department of Professional and Financial Regulation; and be it further

Sec. 2. Reporting date established. Resolved: That the Commissioner of Professional and Financial Regulation shall submit any recommendations from the study under section 1 to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters by February 15, 2011.

Appendix C: May 2010, Public Hearing Notice

NOTICE of Public Hearing

**Maine Regulatory Fairness Board
Thursday, May 27th, 2010, 9:30am
BRED Committee Hearing Room
Room 208 Cross Office Building, Augusta**

The Maine Regulatory Fairness Board is established to hear testimony and to report to the Legislature and the Governor on regulatory and statutory changes necessary to enhance the State's business climate.

The Board seeks public comment from Maine businesses about problems that businesses have encountered in complying with Maine laws and regulations. The purpose of the hearing is to hear testimony from the public business community and state regulators concerning: interactions or roles between businesses and government agencies; specific state regulations which seriously impact business; kinds of assistance, subsidies, grants, or other forms of aid that could be improved or better marketed; and other specific suggestions that could improve communications, programs, or policies between Maine's businesses and state agencies.

This hearing will include a panel discussion on due process in state licensing board systems, presentations from dentists and the Maine Board of Dental Examiners, and testimony from various Maine trade associations. This hearing is open to the public, and public participation is welcomed. For more information or to submit comments to the board, please contact thomas.merrill@maine.gov.

The Freedom of Information Act (FOIA) applies to the proceedings of the board. Any document or testimony it receives (either orally or in writing) becomes public record. People are advised to avoid providing sensitive business information they may not wish to publicly disclose.

Appendix D: May 2010, Public Hearing Agenda

AGENDA Maine Regulatory Fairness Board

Thursday, May 27th, 2010

Business Research and Economic Development Committee Room
Cross Office Building, Augusta, 9:30am

Presiding, Eliot H. Stanley, Chair, MRFB

9:30 Opening remarks & Introduction of RFB members attending

10:00 Joseph Benedetto, DDS

10:45 Denise Nadeau, DDS

11:30 Questions & Discussion

12:00 Break for Lunch

1:00 Maine Association of Manufacturers
Lisa Martin, Executive Director
Chip Roche, President NewFab., Inc.
Maine Merchants Association
Jim McGregor, Director Government Affairs

2:00 Panel on Due Process in State Licensing Board Systems
Commissioner Anne Head, DPFR
AAG Andrew Black, AG's Office
Kenneth Lehman, Esq.
David McConnell, Esq.

3:00 Maine Board Dental Examiners Panel
Denise Theriault, DDS, Board President
Philip Higgins, Jr DDS Board V-P
Teneale Johnson, Board Executive Secretary
Diane Denk, Public Member of MBDE

4:00 Questions, Final Discussion

4:30 Hearing Adjournment

Appendix E: October 2010, Public Hearing Notice

NOTICE of Public Hearing

Maine Regulatory Fairness Board

Thursday, October 7th, 2010, 10:00am

St. Croix Lecture Hall

Washington County Community College, Calais

The Maine Regulatory Fairness Board is established to hear testimony and to report to the Legislature and the Governor on regulatory and statutory changes necessary to enhance the State's business climate.

The Board seeks public comment from Maine businesses about problems that businesses have encountered in complying with Maine laws and regulations. The purpose of the hearing is to hear testimony from the public business community and state regulators concerning: interactions or roles between businesses and government agencies; specific state regulations which seriously impact business; kinds of assistance, subsidies, grants, or other forms of aid that could be improved or better marketed; and other specific suggestions that could improve communications, programs, or policies between Maine's businesses and state agencies.

This hearing will include testimony from various Maine business community representatives. This hearing is open to the public, and public participation is welcomed. For more information or to submit written testimony to the board, please write to thomas.merrill@maine.gov, or Maine State Planning Office, 38 State House Station, Augusta, ME 04333.

The Freedom of Information Act (FOIA) applies to the proceedings of the board. Any document or testimony it receives (either orally or in writing) becomes public record. People are advised to avoid providing sensitive business information they may not wish to publicly disclose.

Appendix F: October 2010, Public Hearing Agenda

MAINE REGULATORY FAIRNESS BOARD
OCTOBER 7, 2010
WCCC, CALAIS, MAINE

PUBLIC HEARING AGENDA

10:00 A.M.		Opening Remarks Eliot H. Stanley, Chair & Presiding Officer
10:15 A.M.		Linda Cross Godfrey Vera Francis Save Passamaquoddy Bay, Three-Nation Alliance
11:00 A.M.		Cheryl Wixson, (MOFGA) Maine Organic Farmers and Gardeners Association
12:00 Noon	LUNCH BREAK	
1:00 P.M.		Sheila Dassatt, Exec. Dir. (DELA) Downeast Lobster- men's Association
2:00 P.M.		Julie Keene Commercial fisherman Trescott Township
2:45 P.M.		Kenneth Ross, Prop. Ross Cottage, Pembroke
3:00 P.M.		Dennis Bryant, DO, Acadian Sea Plants, Pembroke William Look, Look's Lobster, Jonesport
3:30 P.M.	HEARING ADJOURNS	

Members of the Maine Regulatory Fairness Board: Marie Emerson, Addison; Van Perry, Readfield; Ed Phillips, Monmouth; Elizabeth Shissler, Harpswell; Linda Snyder, Deputy Chair, Auburn; and Eliot H. Stanley, Chair, Portland. Staff assistant to the Board is Thomas Merrill, Economist, Maine State Planning Office, Augusta; post-hearing submissions can be sent to Thomas.Merrill@maine.gov.

Appendix G: Public Archive of Meeting Notes and Hearing Testimony

Public meetings to date are summarized here:

- January 22, 2010, Meeting Notes:
<http://www.maine.gov/spo/boards/regulatoryfairness/2010/meetings/100122%20meeting%20notes.pdf>
- March 25, 2010, Meeting Notes:
<http://www.maine.gov/spo/boards/regulatoryfairness/2010/meetings/100325%20meeting%20notes.pdf>
- May 27, 2010, Hearing Notes:
<http://www.maine.gov/spo/boards/regulatoryfairness/2010/meetings/100527%20meeting%20notes.pdf>
- May 27, 2010, Hearing Transcription:
<http://www.maine.gov/spo/boards/regulatoryfairness/2010/meetings/100527%20meeting%20transcription.pdf>
- October 7, 2010, Hearing Notes:
<http://www.maine.gov/spo/boards/regulatoryfairness/2010/meetings/101007%20meeting%20notes.pdf>

Appendix H: Regulatory Fairness Board Member Bios

Marie Emerson CCE, CRC, CB, CFSP is a farmer, business owner, and an educator. The landmark downeast business Wild Blueberry Land is retail shop, bakery, and agricultural entertainment destination. The family farm Wild Wescogus Berries is also a processing facility and a member of a farmers' cooperative which distributes frozen product throughout the country. She is active in promoting value added products for Maine producers and has been on numerous television shows including the Today Show, Rural America, and international Globo Networks. Marie has served on the Maine Tourism Commission, Maine Community College Finance Committee, and Maine Food Service Advisory Board and is a member of many state and local organizations. She has been an instructor at WCCC for 27 years and received the award for excellence in teaching three times as well as the national community college teaching award. She received the 2008 governor's award for volunteerism for her work with Give Kids the World. She earned her degrees through the University of Maine system and is a graduate of the Maine Leadership Institute. Her interests are all food related issues, (including wellness and nutrition), reversing the Maine youth drain, and promoting Maine's quality of life. Marie is married to Dell Emerson whose three of four children reside, work, and own a business in Maine.

Van Perry is currently the owner of Resource Connections, a financial consulting company in Readfield, Maine. Prior to having his own business, Van was a Commercial Loan Officer and Vice President at Mechanics Savings Bank, a Senior Business Banker at Key Bank, a Regional Vice President at Northeast Bank, and a Senior Commercial Loan Officer at the Finance Authority of Maine. His business goal is to effectively manage commercial banking relationships and to meet customer's needs by providing small business banking solutions for both existing and prospective new relationships in the Maine business community. He is also the Treasurer of the Board at the Nezinscot Guild in Turner, a Member of the Readfield Planning Board, the Treasurer of the Board of the Western Kennebec Economic Development

Alliance in the Winthrop area, and Vice President of the Auburn/Lewiston Rotary Breakfast Club. Van has a B.S. in Resource Economics from the University of Maine, a Banking Certificate from the New England School of Banking at Williams College, an International Business Certificate from the University of Maine, and he is a graduate of the Androscoggin Leadership Development Institute. Van is married with two boys, ages 13 and 20, lives in Readfield, and enjoys boating, SCUBA diving, fishing, camping, hiking, and X-C skiing.

Ed Philips is president and owner of Tel-Com Training, Inc, a firm involved in training telecommunications installation and design personal on standards and codes that apply to the industry. Ed has been involved in the development of courses, standards, and codes for many years. Ed has also trained many persons throughout the USA and overseas. He has made many presentations to national groups. He has served as chapter and section chair on design and training manuals as well as serving as chairperson for a national association standards committee. His present goal on the Regulatory Fairness Board is to try to help make Maine a place that small business wants to be and to encourage persons to develop business that will encourage our young people live and work in the state, and also that our citizens are treated fairly by regulatory boards and agencies. He has an Associate degree in Electrical Engineering from Lincoln Institute and numerous courses and certificates from trade associations. Ed has served on local school committee, local code update committees and presently serves on a Board of Appeals and Sanitary District Trustee in Monmouth. Ed is married since 1963, has 4 children and 7 grand children, and lives in Monmouth since 1967. He enjoys gardening and local issues and politics.

Elizabeth Shissler, co-owner and President of Sea Bags, Inc., was born and raised in Maine. Shissler has experience working for global companies such as Philips Electronics (Netherlands) and Northern Telecom (Canada), and has traveled extensively overseas for business. In her job at Philips Semiconductors, Shissler managed a \$151 million distributor. When she decided to stop traveling and to be home in Maine full time, a subsequent partnership in Sea Bags gave her the perfect opportunity. "For me, Sea Bags, a start-up, was the perfect draw home... I love the working waterfront and the sense of entrepreneurship that Maine induces. All of my previous experience has helped build a sustainable brand in Maine." Shissler and business partner, Hannah Kubiak, are committed to keeping manufacturing local and providing jobs (and careers) in Maine. The company strongly believes it is their responsibility to contribute to community and actively work with Maine Cancer Foundation and Sail Maine. In addition to the Regulatory Fairness Board, Beth serves on the Board of Make-A-Wish Foundation for Maine. She has served on an Economic Development Task Force and is passionate about Maine. Beth and her husband, Ben, live in Harpswell. She has an MBA from Boston University and global work experience.

Linda Snyder, M.S., has worked extensively as both a small and large business owner and in the non-profit world. She's owned both a gift shop and an espresso bar, has worked as a mental health policy consultant for the State of Maine, and has been a freelance trainer and writer during a career that has included winning several business and economic development awards driven by a non-stop dedication to community, municipal, and state government volunteerism. Linda earned her undergraduate degree in Psychology (with Education & Sociology minors) in 1980, and her Master's degree in Administration of Adult Education Programs three years later. She's since earned numerous other post graduate credits and certifications, including her Real Estate Sales Agent license in 2008 and her Associate Broker's license in 2010. Linda's professional background includes a variety of teaching and administrative positions in the adult education field, housing development & grant-writing for a non-profit agency, being an executive at a large company she built from a single employee to over 200 at its peak, and at one point owning 50,000 square feet of commercial office space and over 2 dozen residential units with a property management company. As a volunteer, Linda was one of just two women appointed to the

Mayors' Commission on Joint Services for Lewiston & Auburn, she was a delegate to the All America Cities competition in Anaheim CA for the City of Lewiston, and she served on the Boards of Directors for the Androscoggin Chamber of Commerce for 6 years and the Bridgton Chamber for 2 years, as well as the Lewiston Downtown Advisory Board for 6 years.

Eliot Stanley, Chair, was first appointed to the MRFB in 2006 by Governor John Baldacci and was re-appointed in 2009 for a second 3-year term. On July 31, 2009, Eliot was elected by the Board to serve as its chairperson.

For twenty years prior to his retirement in 2003, Mr. Stanley was owner/operator of New England Antigenics, a small Maine biomedical firm which manufactured powdered allergens for the testing and treatment of allergy. In 1997, he was one of four CEOs of small biotech firms selected to accompany Governor Angus King on his trade mission to Brazil and Argentina as an example of outstanding innovation in Maine's small business sector.

Stanley holds an honors degree from Harvard University, Class of 1963, and a law degree from the National Law Center, George Washington U., D.C., 1972. In 1976, he received the Distinguished Service Award of the U.S. Commission on Civil Rights for his work as its acting regional counsel in New York City. Thus, prior to his experience in Maine business, he developed special expertise in field investigations, witness selection and interviewing, conduct of fact-finding hearings, administrative law, and development of remedial legislation. He has also served as a consultant to the Maine Human Rights Commission, U. of Maine School of Law, the Maine Supreme Judicial Court and the Native American Rights Fund. In recent years, Eliot Stanley's biography has been selected for inclusion in Marquis' Who's Who in America and related volumes on law and business.

Eliot lives in Portland and is married to Julia Adams, violist of the Portland String Quartet. His avocations include antiquarian books – he founded and was first president of The Baxter Society of Maine in 1984; ornithology; and fishing – he is an active member of the Sebago Lake Anglers' Association and caught the record largest Northern Pike ever for that lake in 2008 (41").