

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION

2  
3 ONE HUNDRED AND TWELFTH LEGISLATURE

4  
5 Legislative Document

No. 1307

6  
7 H.P. 909

House of Representatives, April 12, 1985

8 On Motion of Representative Gwadosky of Fairfield, referred to the  
9 Committee on State Government. Sent up for concurrence and ordered  
10 printed.

EDWIN H. PERT, Clerk

11 Presented by Representative Bott of Orono.

Cosponsored by Representative Murphy of Kennebunk, Representative  
12 Zirkilton of Mount Desert and Speaker Martin of Eagle Lake.

13 STATE OF MAINE

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE

16  
17 AN ACT to Establish the Office of the Small  
18 Business Ombudsman.  
19

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

22 Sec. 1. 5 MRSA §12004, sub-§10, ¶A, sub-¶(1-A)  
23 is enacted to read:

24 (1-A) Business Small Business Expenses 5 MRSA  
25 Advisory Only §16006  
26 Council

27 Sec. 2. 5 MRSA Pt. 19, first 2 lines are re-  
28 pealed.

29 Sec. 3. 5 MRSA c. 403 is enacted to read:

30 CHAPTER 403

31 SMALL BUSINESS OMBUDSMAN

1     §16001. Definitions

2             As used in this chapter, unless the context oth-  
3 erwise indicates, the following terms have the fol-  
4 lowing meanings.

5             1. Office. "Office" means the Office of the  
6 Small Business Ombudsman.

7             2. Ombudsman. "Ombudsman" means the Small Busi-  
8 ness Ombudsman.

9             3. Small business. "Small business" means a  
10 small business as defined Title 10, chapter 110, sub-  
11 chapter I-B.

12     §16002. Establishment

13             There is created the Office of the Small Business  
14 Ombudsman.

15     §16003. Ombudsman

16             The Office of the Small Business Ombudsman shall  
17 be under the direction of the Small Business  
18 Ombudsman. The ombudsman shall be appointed by the  
19 Governor, subject to confirmation by the Legislature.  
20 The term of the ombudsman shall be coterminous with  
21 that of the Governor.

22     §16004. Duties

23             The ombudsman shall:

24             1. Advocacy. Serve as the principal advocate in  
25 the State on behalf of small businesses, including,  
26 but not limited to, advisory participation in the  
27 consideration of all legislation and proposed rules  
28 which affect small businesses;

29             2. Representation before other state agencies.  
30 Represent the views and interests of small businesses  
31 before federal, state and local administrative and  
32 regulatory agencies whose policies and activities may  
33 affect small businesses;

1           3. Coordination. Work with other state agencies  
2 to promote coordination of activities of state agen-  
3 cies performing functions affecting the operation of  
4 small businesses;

5           4. Information. Enlist the cooperation and as-  
6 sistance of public and private agencies, businesses  
7 and other organizations in disseminating information  
8 about the programs and services provided by the State  
9 Government which are of benefit to small businesses  
10 and information on how small businesses can partici-  
11 rate in, or make use of those programs and services;

12           5. Referrals. Receive complaints of operater's  
13 of small businesses and refer them to the appropriate  
14 federal, state or local agency authorized by law for  
15 appropriate action on those complaints;

16           6. Investigations; research. Conduct investiga-  
17 tions, research, studies and analyses of matters af-  
18 fecting the interests of small businesses;

19           7. Protection. Promote and encourage the protec-  
20 tion of legitimate interests of small businesses  
21 within the State; and

22           8. Annual report. Prepare and submit a written  
23 annual report to the Governor and to the Legislature  
24 describing the activities and recommendations of the  
25 office.

26           §16005. Employees; assistance of other agencies

27           The ombudsman may hire clerical staff as he  
28 deems necessary to carry out this chapter. To carry  
29 out this chapter, the ombudsman may request from any  
30 state agency such assistance, services and data as  
31 will enable him to carry out his duties.

32           §16006. Small Business Advisory Council

33           The Small Business Advisory Council, as estab-  
34 lished by section 12004, subsection 10, shall consist  
35 of 15 members as follows: Two Senators to be ap-  
36 pointed by the President of the Senate, one of whom  
37 shall be a member of the majority political party and  
38 one of whom shall be a member of the minority politi-

1 cal party; 2 representatives to be appointed by the  
2 Speaker of the House of Representatives, one of whom  
3 shall be a member of the majority political party and  
4 one of whom shall be a member of the minority politi-  
5 cal party; and 11 members to be appointed by the Gov-  
6 ernor. The members appointed by the Governor shall  
7 serve for 3-year terms, except that for those first  
8 appointed by the Governor, 4 shall serve for a 3-year  
9 term, 4 shall serve for a 2-year term and 3 shall  
10 serve for a one-year term. The Governor shall desig-  
11 nate a chairman from among those 11 members appointed  
12 by him. Any chairman shall serve as chairman for only  
13 one year, except that the Governor may designate the  
14 same member as chairman for one additional year.

15 The council shall meet no less than 4 times a  
16 year and shall aid the ombudsman in formulating poli-  
17 cies and discussing problems related to the adminis-  
18 tration of this chapter and in assuring impartiality  
19 and freedom from political influence in the solution  
20 of any problems. The advisory council may also make  
21 recommendations to the Legislature for any changes in  
22 this chapter as in their opinion will aid in accom-  
23 plishing the objectives of this chapter. Each member  
24 of the advisory council shall be compensated accord-  
25 ing to chapter 379.

26 STATEMENT OF FACT

27 The purpose of this bill is to establish the Of-  
28 fice of the Small Business Ombudsman which will pro-  
29 vide services to and act as an advocate for small  
30 businesses within the State.

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