

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND THIRTEENTH LEGISLATURE  
4

5 Legislative Document

NO. 152  
6

7 H.P. 126 House of Representatives, January 30, 1987  
8 Reference to the Committee on Economic Development  
suggested and ordered printed.

9 EDWIN H. PERT, Clerk  
Presented by Representative BOTT of Orono.

10 Cosponsored by Representatives SPROUL of Augusta and  
BAILEY of Farmington.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-SEVEN  
16

17 AN ACT to Create a Small Business Ombudsman.  
18

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

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

23 (1-B) Business Small Business Expenses 5 MRSA  
24 Advisory Only \$16006  
25 Council

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

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

29 CHAPTER 403

1 SMALL BUSINESS OMBUDSMAN

2 §16001. Definitions

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

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

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

10 3. Small business. "Small business" means any  
11 business or employee cooperative or corporation sub-  
12 ject to Title 13, chapter 85, subchapter III, employ-  
13 ing 20 persons or less or with sales of \$2,500,000 or  
14 less.

15 §16002. Establishment

16 There is created the Office of the Small Business  
17 Ombudsman.

18 §16003. Ombudsman

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

25 §16004. Duties

26 The ombudsman shall:

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

32 2. Solicitation from private sector. Solicit  
33 input and suggestions from the private sector;

1           3. Representation before other state agencies.  
2 Represent the views and interests of small businesses  
3 before federal, state and local administrative and  
4 regulatory agencies whose policies and activities may  
5 affect small businesses;

6           4. Coordination. Work with other state agencies  
7 to promote coordination of activities of state agen-  
8 cies performing functions affecting the operation of  
9 small businesses;

10          5. Information. Enlist the cooperation and as-  
11 istance of public and private agencies, businesses  
12 and other organizations in disseminating information  
13 about the programs and services provided by State  
14 Government which are of benefit to small businesses  
15 and information on how small businesses can partici-  
16 rate in or make use of those programs and services;

17          6. Referrals. Receive complaints of operators of  
18 small businesses and refer them to the appropriate  
19 federal, state or local agency authorized by law for  
20 appropriate action on those complaints;

21          7. Investigations; research. Conduct investiga-  
22 tions, research, studies and analyses of matters af-  
23 fecting the interests of small businesses;

24          8. Protection. Promote and encourage the protec-  
25 tion of legitimate interests of small businesses  
26 within the State; and

27          9. Annual report. Prepare and submit written an-  
28 ual reports to the Governor and Legislature describ-  
29 ing the activities and recommendations of the office.

30   §16005. Employees; assistance of other agencies

31           The ombudsman may hire such clerical staff as he  
32 considers necessary to carry out this chapter. For  
33 that purpose, the ombudsman may request from any  
34 state agency such assistance, services and data as  
35 will enable him to carry out his duties.

36   §16006. Small Business Advisory Council

1           The Small Business Advisory Council, as estab-  
2 lished by section 12004, subsection 10, shall consist  
3 of 15 members as follows: Two Senators to be ap-  
4 pointed by the President of the Senate, one of whom  
5 shall be a member of the majority political party and  
6 one of whom shall be a member of the minority politi-  
7 cal party; 2 representatives to be appointed by the  
8 Speaker of the House of Representatives, one of whom  
9 shall be a member of the majority political party and  
10 one of whom shall be a member of the minority politi-  
11 cal party; and 11 members to be appointed by the Gov-  
12 ernor. The members appointed by the Governor shall  
13 serve for 3-year terms, except that, for those first  
14 appointed by the Governor, 4 shall serve for 3-year  
15 terms, 4 shall serve for 2-year terms and 3 shall  
16 serve for one-year terms. The Governor shall desig-  
17 nate a chairman from among those 11 members appointed  
18 by him. Any chairman shall serve as chairman for only  
19 one year, except that the Governor may designate the  
20 same member as chairman for one additional year.

21           The council shall meet not less than 4 times a  
22 year and shall aid the ombudsman in formulating poli-  
23 cies and discussing problems related to the adminis-  
24 tration of this chapter and in assuring impartiality  
25 and freedom from political influence in the solution  
26 of any problems. The advisory council may make recom-  
27 mendations to the Legislature for any changes in this  
28 chapter as in its opinion will aid in accomplishing  
29 the objectives of this chapter. Each member of the  
30 advisory council shall be compensated according to  
31 chapter 379.

1

STATEMENT OF FACT

2           The purpose of this bill is to establish the Of-  
3           fice of the Small Business Ombudsman which will pro-  
4           vide services to and act as an advocate for small  
5           businesses within the State. The ombudsman will so-  
6           licit input from the private sector and serve as  
7           principal advocate for small businesses by represent-  
8           ing them before state agencies and coordinating ef-  
9           forts of state agencies affecting small businesses.  
10          The ombudsman may conduct investigations and studies  
11          as he determines necessary and will make annual re-  
12          ports to the Legislature.

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