

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 848

S.P. 298

In Senate, March 20, 1987

Reference to the Committee on State and Local Government suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate  
Presented by Senator TUTTLE of York.

Cosponsored by Representative DUFFY of Bangor,  
Representative ARMSTRONG of Wilton, Representative CROWLEY of  
Stockton Springs.

STATE OF MAINE

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

1 AN ACT to Establish a State Business Advocate  
2 in the Governor's Office.  
3

4 Be it enacted by the People of the State of Maine as  
5 follows:

6 5 MRSA Pt. 15-A is enacted to read:

7 PART 15-A

8 OFFICE OF BUSINESS ADVOCATE

9 CHAPTER 353

10 OFFICE OF THE BUSINESS ADVOCATE

11 §6051. Definitions

1 As used in this Part, unless the context indi-  
2 cates otherwise, the following terms have the follow-  
3 ing meanings.

4 1. Office. "Office" means the Office of the  
5 Business Advocate.

6 2. Small business. "Small business" means a  
7 business employing 20 persons or less with gross  
8 sales not exceeding \$2,500,000 per year.

9 §6052. Office of the Business Advocate established

10 The Office of the Business Advocate is estab-  
11 lished to represent and serve as an advocate for  
12 small businesses. The office shall inform the Gover-  
13 nor and the Legislature with respect to the issues  
14 and concerns of small businesses.

15 §6053. Duties and responsibilities of the office

16 The office shall be responsible for implementing  
17 its policies and the programs of the department. The  
18 office shall:

19 1. Assist businesses working with state agen-  
20 cies. Assist small businesses, upon request, when  
21 they are dealing with state agencies to facilitate  
22 communication and the conduct of business between  
23 state agencies and businesses;

24 2. Assist businesses in completion of license  
25 applications. Assist small businesses in completion  
26 of applications for licenses, permits or certificates  
27 from state agencies;

28 3. Cooperate with the Division of Business As-  
29 sistance. Cooperate and work with the Division of  
30 Business Assistance in the State Development Office  
31 to coordinate services and the distribution of infor-  
32 mation to the business sector. The office shall co-  
33 operate with other state agencies to assist the busi-  
34 ness sector; and

35 4. Contact the private sector. Contact the pri-  
36 vate sector to inform the private sector of the ser-  
37 vices provided by the office and to develop a commu-

1 nications network between State Government and the  
2 private sector.

3 §6054. Director of the Office of the Business Advo-  
4 cate

5 The director of the office shall be referred to  
6 as the Business Advocate. The Business Advocate  
7 shall be qualified by experience and education in the  
8 fields of business and the operation of State Govern-  
9 ment. The Governor shall appoint the Business Advo-  
10 cate who shall serve at the pleasure of the Governor  
11 and shall serve until his successor has been ap-  
12 pointed and qualified. Specifically, the Business  
13 Advocate shall meet the following qualifications:

14 1. Experience in private sector. A minimum of  
15 10 years of current experience as a manager who has  
16 demonstrated abilities and has contributed signifi-  
17 cantly to the success of a firm within the private  
18 sector;

19 2. Experience and knowledge in operation of  
20 State Government. Demonstrated experience and knowl-  
21 edge in the operation of State Government;

22 3. Understanding of regulatory process. A com-  
23 petent understanding of the regulatory process as it  
24 affects business;

25 4. Demonstrated ability in problem solving.  
26 Demonstrated ability to solve problems and resolve  
27 conflicts among persons or institutions with differ-  
28 ing viewpoints;

29 5. Assist businesses in completion of regulatory  
30 applications. Assist small businesses in the comple-  
31 tion of applications for licenses, permits or certif-  
32 icates from state agencies;

33 6. Cooperate with other organizations. Work  
34 closely with other state agencies, regional economic  
35 development organizations and private economic devel-  
36 opment organizations; and

37 7. Advocate for business sector. Serve as an  
38 advocate for the interests of the private sector.

1 The Business Advocate shall represent the interest of  
2 the private sector to the Governor and the Legisla-  
3 ture.

4 §6055. Powers and duties of Business Advocate

5 The Business Advocate shall be responsible for  
6 the administration of this chapter. In carrying out  
7 his duties and responsibilities, the director shall:

8 1. Develop administrative procedures. Develop  
9 administrative procedures which are not subject to  
10 the Maine Administrative Procedure Act, Title 5,  
11 chapter 375, with respect to the internal operation  
12 and management of the office;

13 2. Employ staff. Employ professional and other  
14 nonclerical employees for the office who shall serve  
15 at the pleasure of the Business Advocate.

16 A. Clerical staff shall be employed in accord-  
17 ance with the provisions of the Civil Service Law  
18 as these provisions apply to the classified ser-  
19 vice;

20 3. Develop effective communications network.  
21 Develop an effective communications network with the  
22 private sector through which information about the  
23 needs, problems and opportunities of the private  
24 sector are clearly and quickly transmitted to the  
25 Business Advocate and through which information and  
26 possible resolutions to problems are quickly communi-  
27 cated by the Business Advocate to the private sector;  
28 and

29 4. Report to Governor and Legislature. Report  
30 to the Governor and the Legislature any problems or  
31 needs with respect to state regulation of business  
32 and economic development.

33 §6056. State agencies cooperate with Business Advo-  
34 cate

35 The agencies of State Government shall cooperate  
36 with the office and expeditiously provide information  
37 and data to the Business Advocate to fulfill the pur-  
38 pose of this chapter.

1 STATEMENT OF FACT

2 Most Maine businesses are small. Approximately  
3 80% of Maine businesses employ less than 10 people.  
4 As a result, these types of businesses often do not  
5 have the resources or the expertise to represent  
6 themselves and serve as advocates with respect to is-  
7 sues in State Government that affect small busi-  
8 nesses. In addition, many small businesses lack the  
9 resources and expertise in dealing with state agen-  
10 cies.

11 Since the expansion of the Maine economy will de-  
12 pend, to a significant extent, upon the expansion and  
13 successful operation of small businesses, it is nec-  
14 essary to be aware of the needs, problems and oppor-  
15 tunities facing small businesses. This bill estab-  
16 lishes the Office of the Business Advocate within the  
17 Executive Department to assist and represent busi-  
18 nesses in the State. The Business Advocate will as-  
19 sist businesses in their dealings with state agen-  
20 cies, including applications for licenses and per-  
21 mits. The Business Advocate is required to work with  
22 the private sector and develop a communications net-  
23 work with the private sector.

24 This bill proposes that the Business Advocate be  
25 a successful business person with at least 10 years  
26 of current experience in business. In addition, the  
27 business person must demonstrate an understanding of  
28 the regulatory process.

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