

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2349

H.P. 1673

House of Representatives, February 18, 1992

Reported by Representative MELENDY for the Commission to Study State Permitting and Reporting Requirements pursuant to Public Law 1991, chapter 606.

Reference to the Joint Standing Committee on Energy and Natural Resources suggested and printing ordered under Joint Rule 18.

A handwritten signature in cursive script that reads "Ed Pert".

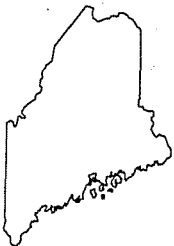
EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

An Act to Provide Regulatory and Permitting Assistance to Businesses.

(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the State is suffering a severe recession that has an impact on the business community; and

Whereas, the process of obtaining permits and licenses is seen by business as costly and time consuming; and

Whereas, many other states have found various regulatory and permitting information, assistance, advocacy and one-stop centers to be of assistance to the business community; and

Whereas, under its broad general mandate the Department of Economic and Community Development currently performs some information and assistance functions that might well be eliminated by the budget crisis since they are not currently explicitly required by law; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA §13062, sub-§4 is enacted to read:

4. Advocacy. The director shall advocate for business before the Legislature and the various state agencies with regard to proposed new laws and rules and rescinding existing laws and rules.

Sec. 2. 5 MRSA §13063, sub-§§3 and 4 are enacted to read:

3. Comprehensive permit information. The director shall develop and maintain a program to provide comprehensive information on permits required for business undertakings, projects and activities and to make that information available to any person. This program must function as follows.

A. Not later than 90 days from the effective date of this section each state agency required to review, approve or grant permits for business undertakings, projects and activities shall report to the office in a form prescribed by the office on each type of review, approval and permit administered by that state agency. Application forms, applicable agency rules and the estimated time period

2 necessary for permit application consideration based on
3 experience and statutory or regulatory requirements must
4 accompany each state agency report.

5
6 B. Each state agency required to review, approve or grant
7 permits for business undertakings, projects and activities
8 shall, subsequent to its report pursuant to paragraph A,
9 provide the office, for information purposes only, a report
10 of any new permit or modification of any existing permit
11 together with applicable forms, rules and information
12 required under subsections 1 and 2 regarding the new or
13 modified permit. To ensure that the department's
14 information is current, no new or modified permit may become
15 effective until 30 days after the office has been provided
16 with the report, except that the 30-day period may be
17 dispensed with for any new or modified permit adopted as an
18 emergency measure in accordance with the provisions of the
19 Maine Administrative Procedure Act. When any new or
20 modified permit is adopted as an emergency action in
21 accordance with the provisions of the Maine Administrative
22 Procedure Act, the office must be notified of that action by
23 the adopting state agency within 5 days after the effective
24 date of the action.

25
26 C. The office shall prepare an information file on each
27 state agency's permit requirements upon receipt of that
28 state agency's reports and shall develop methods for that
29 file's maintenance, revision, updating and ready access.

30 D. The office shall provide comprehensive permit
31 information on the basis of the information received under
32 this subsection. The office may prepare and distribute
33 publications, guides and other materials explaining permit
34 requirements affecting business and including requirements
35 involving multiple permits or multiple state agencies that
36 are based on the state agency reports and the information
37 file for the convenience of permit applicants.

38
39 4. Permit assistance. Within 90 days of the effective date
40 of this section the director shall set up procedures to assist
41 applicants in obtaining timely and efficient permit review and
42 the resolution of issues arising from that review. These
43 procedures must include the following.

44
45 A. Any applicant for permits required for a business
46 undertaking, project or activity must be allowed to confer
47 with the office to obtain assistance in the prompt and
48 efficient processing and review of applications.

49
50 B. The office shall, as far as possible, give assistance
51 and the director may designate an officer or employee of the
52 office to act as an expeditor with the purpose of:

- 2 (1) Facilitating contacts for the applicant with state
4 agencies responsible for processing and reviewing
 permit applications;
- 6 (2) Arranging conferences to clarify the interest and
8 requirements of any state agency with respect to permit
 applications;
- 10 (3) Considering with state agencies the feasibility of
12 consolidating hearings and data required of the
 applicant;
- 14 (4) Assisting the applicant in the resolution of
16 outstanding issues identified by state agencies,
 including delays experienced in permit review;
- 18 (5) Coordinating federal, state and local permit
20 review actions to the extent practicable; and
- 22 (6) Assigning processing priorities to applications
24 based on their impact on the State's economy and
 conveying that prioritization to the appropriate
 department.

26 **Sec. 3. Business license center study.** The Department of Economic
28 and Community Development shall convene a task force to study the
feasibility of establishing a business license center. The
30 department shall invite all agencies that issue business licenses
to appoint a representative to serve on the task force.

32 The purpose of the center would be to provide an accessible
and efficient one-stop system for the business community to
34 acquire and maintain the state licenses necessary to conduct
business. Objectives of a one-stop licensing system include
36 reduction of the paperwork burden on business and elimination of
obsolete and duplicative licensing requirements.

38 The task force shall address and make recommendations on the
40 types of licenses appropriate for processing at a one-stop
licensing center and on the delegation of legal authority to
42 issue licenses. The task force shall make a progress report to
the joint standing committee of the Legislature having
44 jurisdiction over housing and economic development matters within
60 days of the effective date of this Act with a copy to the
46 Executive Director of the Legislative Council. The task force
shall present its final report to these parties no later than
48 January 30, 1993. The final report must include cost estimates
for establishing and operating a business license center and an
50 implementation plan.

