

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1972

S.P. 697

In Senate, March 23, 1999

Resolve, to Establish a Commission to Encourage Incorporations in Maine.

(EMERGENCY)

Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BENNETT of Oxford.

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

4
6 **Whereas,** the economic viability of the State can be greatly
improved by encouraging businesses to incorporate in Maine; and

8 **Whereas,** the Commission to Encourage Incorporations in
Maine needs to start its work immediately upon adjournment of the
10 First Regular Session of the 119th Legislature; and

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

18 **Sec. 1. Commission established. Resolved:** That the Commission
to Encourage Incorporations in Maine, referred to in this resolve
20 as the "commission," is established; and be it further

22 **Sec. 2. Membership. Resolved:** That the commission consists of
9 members as follows:

24 1. Two members of the Senate, appointed by the President of
26 the Senate. The first Senator named serves as the Senate chair
of the commission;

28 2. Three members of the House of Representatives, appointed
30 by the Speaker of the House of Representatives. The first
Representative named serves as the House chair of the commission;

32 3. The Secretary of State, or the secretary's designee;

34 4. The Commissioner of Economic and Community Development,
36 or the commissioner's designee;

38 5. The President of a statewide organization of businesses,
or the president's designee; and

40 6. The President of the Maine State Bar Association, or the
42 president's designee; and be it further

44 **Sec. 3. Appointments. Resolved:** That all appointments must be
made no later than 30 days following the effective date of this
46 resolve. The appointing authorities shall notify the Executive
Director of the Legislative Council upon making their
48 appointments. When the appointment of all members is complete,

2 the chairs shall call and convene the first meeting of the
commission no later than August 1, 1999; and be it further

4 **Sec. 4. Duties. Resolved:** That the commission shall study
methods of encouraging corporations to incorporate or
6 reincorporate in this State. In undertaking the study, the
commission shall:

8
10 1. Review actions taken by other states and the effects of
such actions;

12 2. Review other studies and literature related to
incorporations; and

14
16 3. Consult with experts and interested parties; and be it
further

18 **Sec. 5. Staff assistance. Resolved:** That, upon approval by the
Legislative Council, the Office of Policy and Legal Analysis
20 shall provide necessary staffing services to the commission; and
be it further

22
24 **Sec. 6. Reimbursement. Resolved:** That the commission members
who are Legislators are entitled to receive the legislative per
diem, as defined in the Maine Revised Statutes, Title 3, section
26 2, for each day's attendance at meetings of the commission. All
members of the commission are entitled to reimbursement for
28 travel and other necessary expenses upon application to the
Legislative Council. The chairs of the commission, with
30 assistance from the commission staff, shall administer the study
budget. Within 10 days after its first meeting, the commission
32 shall present a work plan and proposed budget to the Legislative
Council for approval. The commission may not incur expenses that
34 result in the commission's exceeding its approved budget.

36 Upon request from the commission, the Executive Director of
the Legislative Council or the executive director's designee
38 shall promptly provide the commission chairs and staff with a
status report on the study budget, expenses incurred and paid and
40 available funds; and be it further

42 **Sec. 7. Report. Resolved:** That the commission shall submit
its report with any accompanying legislation for the Second
44 Regular Session of the 119th Legislature by December 15, 1999.
If the commission requires a limited extension of time to
46 conclude its study and make its report, it may apply to the
Legislative Council, which may grant the extension.
48

2 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve takes effect when approved.

4

SUMMARY

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8 This resolve creates the Commission to Encourage
Incorporations in Maine. The commission will make
10 recommendations on how to encourage corporations to incorporate
in Maine initially, and how to encourage existing corporations
12 incorporated elsewhere to reincorporate in Maine. The report is
due December 15, 1999.