

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 990

S.P. 279

In Senate, February 20, 2001

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### **An Act to Establish the Maine Regulatory Fairness Board.**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator KILKELLY of Lincoln.  
Cosponsored by Senators: MILLS of Somerset, O'GARA of Cumberland, Representatives:  
BUMPS of China, BUNKER of Kossuth Township, HONEY of Boothbay, MAYO of Bath,  
RINES of Wiscasset, TRAHAN of Waldoboro.

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

2  
4       **Sec. 1. 5 MRSA §56** is enacted to read:

6       **§56. Maine Regulatory Fairness Board established**

8       The Maine Regulatory Fairness Board, referred to in this  
10 section as the "board," is established to hear testimony and to  
12 report to the Legislature and the Governor at least annually on  
14 regulatory and statutory changes necessary to enhance the State's  
16 business climate.

18       **1. Membership.** The board consists of 5 members who are  
20 owners, operators or officers of businesses operating in the  
22 State. The members, at least 3 of whom must represent businesses  
24 with fewer than 50 employees, are appointed by the Governor. No  
26 member of the board may be an officer or employee of State  
28 Government.

30       **2. Terms of appointment.** Of the initial appointees, the  
32 first 2 members appointed by the Governor will serve 3-year  
34 terms; the next 2 members appointed by the Governor will serve  
36 2-year terms; the last member appointed by the Governor will  
38 serve a one-year term. Upon completion of the initial terms of  
40 office pursuant to this subsection, each member appointed to the  
42 board must be appointed to serve a 3-year term. No member may  
44 serve more than 3 consecutive terms.

46       **3. Chair; election of board officers; quorum.** The members  
48 of the board shall annually elect a chair and a vice-chair from  
50 among the board members. A majority of members of the board  
52 constitute a quorum for the purpose of conducting the board's  
54 business, except a lesser number may hold public hearings.

56       **4. Duties of board.** The board shall:

58       A. Meet at least once each quarter in a different region of  
60 the State to hear testimony from businesses regarding their  
62 concerns about enforcement activities of State departments  
64 and agencies; and

66       B. Report to the Governor and the Legislature at least  
68 annually on complaints of excessive enforcement actions  
70 against businesses by departments and agencies of State  
72 Government. The report also must include recommendations for  
74 regulatory and statutory changes, if any, that will enhance  
76 the State's business climate.

2 5. Annual report. The board shall report by February 1st  
 4 of each year to the Governor and to the joint standing committee  
 6 of the Legislature having jurisdiction over business and economic  
 6 development matters and the joint standing committee of the  
 6 Legislature having jurisdiction over state and local government  
 6 matters on its findings and recommendations.

8 **Sec. 2. 5 MRSA §12004-I, sub-§2-F** is enacted to read:

10	<u>2-F.</u>	<u>Maine</u>	<u>Not</u>	<u>5 MRSA</u>
12	<u>Business</u>	<u>Regulatory</u>	<u>Authorized</u>	<u>§56</u>
14		<u>Fairness</u>		
16		<u>Board</u>		

16 **Sec. 3. Initial meeting; acting chair.** The Governor shall  
 18 establish the date of the organizational meeting of the board no  
 20 later than 30 days after completing initial appointments. The  
 22 Governor shall designate an acting chair from among the  
 24 appointees. The acting chair shall preside at the organizational  
 26 meeting until a permanent chair and a vice-chair are elected from  
 28 among the board's membership.

24 **SUMMARY**

26 This bill establishes the 5-member Maine Regulatory Fairness  
 28 Board. Among the duties of this advisory board are to take  
 30 testimony concerning, and to report to the Legislature and the  
 Governor at least annually on, regulatory and statutory changes  
 necessary to enhance the State's business climate.