

# MAINE STATE LEGISLATURE

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R.O.S.

L.D. 1325

DATE: 4.2.04

(Filing No. S-486)

**BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

Reported by: **MAJORITY**

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**STATE OF MAINE  
SENATE  
121ST LEGISLATURE  
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S.P. 427, L.D. 1325, Bill, "An Act To Encourage and Support Maine Owner-operated Small Businesses"

Amend the bill by striking out the title and substituting the following:

**'An Act To Encourage and Support Maine Small Businesses'**

Further amend the bill by inserting after the enacting clause and before the concept draft summary the following:

'Sec. 1. 1 MRSA §535, sub-§3, as enacted by PL 1997, c. 713, §1, is amended to read:

**3. Powers.** The network manager may:

A. Negotiate and enter into contracts for professional consulting, research and other services; and

B. To the extent permitted by the service level agreement between the network manager and the data custodian, have access to confidential information if it is necessary to carry out the duties of the network manager or the purposes of InforME. The network manager is subject to the same limitations and penalties as a data custodian concerning the use and disclosure of confidential information; and

**COMMITTEE AMENDMENT**

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2 C. Designate a town, city or municipality as an "InforME  
4 Goldstar Community" if the network manager believes that  
6 town, city or municipality provides exemplary on-line  
8 services for persons seeking to establish businesses in the  
State, including but not limited to on-line application and  
submission of forms by persons seeking licensure and live  
on-line assistance during normal business hours for  
questions concerning the establishment of a business.

10 **Sec. 2. 5 MRSA §56, sub-§1**, as enacted by PL 2001, c. 96, §1,  
is amended to read:

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14 **1. Membership.** The board consists of 5 members who are  
16 owners, operators or officers of businesses operating in the  
18 State. The members, at least 3 of whom must represent businesses  
20 with fewer than 50 employees, are appointed by the Governor. In  
22 selecting the members of the board, the Governor shall make every  
24 effort to ensure that different regions of the State are  
represented. Prior to making final appointments of members to  
the board, the Governor or the Governor's designee shall present  
the appointments to the joint standing committee of the  
Legislature having jurisdiction over business, research and  
economic development matters. No member of the board may be an  
officer or employee of State Government.

26 **Sec. 3. 5 MRSA §13031, sub-§2**, as enacted by PL 1989, c. 875,  
Pt. L, §§2 and 4, is amended to read:

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30 **2. Commission.** "Commission" means the Maine Small Business  
and Entrepreneurship Commission.

32 **Sec. 4. 5 MRSA §13032**, as amended by PL 2001, c. 142, §1, is  
further amended to read:

34 **§13032. Maine Small Business and Entrepreneurship Commission**  
36 **established**

38 The Maine Small Business and Entrepreneurship Commission is  
40 established as an independent commission within the department to  
42 evaluate and coordinate small business and entrepreneurial  
programs, contract with the administrative unit and exercise  
other powers and responsibilities as provided in this chapter.

44 **Sec. 5. 5 MRSA §13033**, as amended by PL 2001, c. 142, §2, is  
further amended to read:

46 **§13033. Membership**

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50 The commission consists of 7 10 members: the Chief  
Executive Officer of the Finance Authority of Maine; the

Commissioner of Economic and Community Development; the House and Senate chairs of the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters, who are ex officio, nonvoting members; the chair of the Small Business Development Centers Advisory Council; the District Director of the United States Small Business Administration's Maine District Office; and a designee from the administrative unit and 3 public members with expertise and knowledge in small business and entrepreneurship, appointed by the commissioner.

**Sec. 6. Additional InforME services.** The InforME network manager, as described in the Maine Revised Statutes, Title 1, section 535, in conjunction with the InforME board, as described in Title 1, section 534, the Department of Administrative and Financial Services, the Department of Economic and Community Development, the Department of Labor, the Department of Human Services and Maine Revenue Services, shall enable as part of the InforME system, no later than January 1, 2006, on-line application and submission of forms by persons seeking licensure as businesses through the "Business Licensing Assistant" program. Additionally, the Department of Economic and Community Development, with technical assistance from the InforME network manager, shall provide live on-line assistance during normal business hours for questions concerning the establishment of a business in this State.

The services required by this section may be classified "premium services," as defined in Title 1, section 532. The subscription fee for premium services or transaction fees may be adjusted to accommodate the services required by this section. Any additional costs to agencies or departments as a result of this section must be absorbed by those agencies and departments within existing budgeted resources.

**Sec. 7. Appropriations and allocations.** The following appropriations and allocations are made.

**LEGISLATURE**

**Legislature**

Initiative: Provides funds for the per diem and expenses of 2 Legislators who would serve on the Maine Small Business and Entrepreneurship Commission.

<b>General Fund</b>	<b>2003-04</b>	<b>2004-05</b>
Personal Services	\$0	\$440
All Other	0	400

H. 978

COMMITTEE AMENDMENT "A" to S.P. 427, L.D. 1325

2	General Fund Total	\$0	\$840 '
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**SUMMARY**

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This amendment, which is the majority report of the committee, replaces the concept draft. The amendment does the following.

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1. It authorizes the InforME system to designate as "InforME Goldstar Communities" those towns, cities or municipalities that provide exemplary on-line services for persons seeking to establish businesses in the State.

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2. It requires that appointments to the Maine Regulatory Fairness Board be presented to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters prior to being made final.

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3. It changes the name of the Maine Small Business Commission to the Maine Small Business and Entrepreneurship Commission.

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4. It includes the House and Senate chairs of the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters as ex officio, nonvoting members and the chair of the Small Business Development Centers Advisory Council as a voting member of the Maine Small Business and Entrepreneurship Commission.

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5. It directs the InforME system, in cooperation with certain state agencies, to include, no later than January 1, 2006, as part of its services on-line application and submission of forms for licensure as a business. Additionally, it requires live on-line assistance from the Department of Economic and Community Development, with technical assistance from the InforME system, to address questions concerning establishment of a business in the State.

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**FISCAL NOTE REQUIRED  
(See attached)**

**COMMITTEE AMENDMENT**



**121st Maine Legislature  
Office of Fiscal and Program Review**

**LD 1325**

**An Act To Encourage and Support Maine Owner-operated Small  
Businesses**

**LR 1593(02)**

**Fiscal Note for Bill as Amended by Committee Amendment "A"  
Committee: Business, Research and Economic Development**

**Fiscal Note Required: Yes**

**Fiscal Note**

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$840	\$840	\$840
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$840	\$840	\$840

**Fiscal Detail and Notes**

Adding the House and Senate Chair of the Joint Standing Committee on Business, Research and Economic Development as members to the Maine Small Business and Entrepreneurship Commission will require ongoing General Fund appropriations to the Legislature of \$840 annually beginning in fiscal year 2004-05. This appropriation will provide funds for the per diem and expenses for the two legislators on an ongoing basis.

Additional costs to the Department of Economic and Community Development associated with providing live on-line assistance to address questions concerning the establishment of a business in the State can be absorbed utilizing existing budgeted resources.

Additional costs to the Department of Economic and Community Development, the Department of Administrative and Financial Services, the Department of Human Services, Maine Revenue Services, and the Department of Labor associated with working with InforME to include the on-line application and submission of forms for licensure as a business as part of its services by January 1, 2006 can be absorbed utilizing existing budgeted resources.