

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1262

S.P. 442

In Senate, March 15, 2005

**Resolve, To Establish the Commission To Study the Licensing
Conflicts between the Department of Agriculture, Food and Rural
Resources and the Department of Health and Human Services**

Reference to the Committee on State and Local Government 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 COWGER of Kennebec.
Cosponsored by Representative MARLEY of Portland and
Senators: BROMLEY of Cumberland, MAYO of Sagadahoc, TURNER of Cumberland,
Representatives: BOWEN of Rockport, DAIGLE of Arundel, DUPLESSIE of Westbrook,
KOFFMAN of Bar Harbor, SAVIELLO of Wilton.

2 **Sec. 1. Commission established. Resolved:** That the Commission
to Study the Licensing Conflicts between the Department of
4 Agriculture, Food and Rural Resources and the Department of
Health and Human Services, referred to in this resolve as "the
6 commission," is established; and be it further

8 **Sec. 2. Commission membership. Resolved:** That the commission
consists of 13 members appointed as follows:

10 1. Two members of the Senate, appointed by the President of
the Senate;

12 2. Four members of the House of Representatives, appointed
14 by the Speaker of the House of Representatives;

16 3. One member from the Department of Agriculture, Food and
Rural Resources, appointed by the Governor;

18 4. One member from the Department of Health and Human
20 Services, appointed by the Governor;

22 5. One member who is an owner or operator of a restaurant,
appointed by the President of the Senate;

24 6. One member who is an owner or operator of a convenience
26 store, appointed by the President of the Senate;

28 7. One member who is an owner or operator of a lodging
establishment, appointed by the President of the Senate;

30 8. One member who is a food processor, appointed by the
32 Speaker of the House of Representatives; and

34 9. One member who is a campground owner, appointed by the
Speaker of the House of Representatives; and be it further

36 **Sec. 3. Chairs. Resolved:** That the first-named Senate member
38 is the Senate chair of the commission and the first-named House
of Representatives member is the House chair of the commission;
40 and be it further

42 **Sec. 4. Appointments; convening of commission. Resolved:** That
all appointments must be made no later than 30 days following the
44 effective date of this resolve. The appointing authorities shall
notify the Executive Director of the Legislative Council once all
46 appointments have been completed. Within 15 days after
appointment of all members, the chairs shall call and convene the
48 first meeting of the commission; and be it further

2 **Sec. 5. Duties. Resolved:** That the commission shall study the
licensing conflicts between the Department of Agriculture, Food
4 and Rural Resources and the Department of Health and Human
Services in order to:

6 1. Identify the appropriate licensing agency for
8 health-related licenses and inspections;

10 2. Eliminate duplicate licensing requirements; and

12 3. Establish a central location to obtain necessary
information for licensing procedures; and be it further

14 **Sec. 6. Meetings. Resolved:** That, in examining the issues,
16 the commission shall meet 4 times to fulfill its duties; and be
it further

18 **Sec. 7. Staff assistance. Resolved:** That, upon approval of the
20 Legislative Council, the Office of Policy and Legal Analysis
shall provide necessary staffing services to the commission; and
22 be it further

24 **Sec. 8. Compensation. Resolved:** That the legislative members
of the commission are entitled to receive the legislative per
26 diem, as defined in the Maine Revised Statutes, Title 3, section
2, and reimbursement for travel and other necessary expenses
28 related to their attendance at authorized meetings of the
commission. Public members not otherwise compensated by their
30 employers or other entities that they represent are entitled to
receive reimbursement for necessary expenses and, upon a
32 demonstration of financial hardship, a per diem equal to the
legislative per diem for their attendance at authorized meetings
34 of the commission; and be it further

36 **Sec. 9. Report. Resolved:** That, no later than January 30,
2006, the commission shall submit a report that includes its
38 findings and recommendations, including suggested legislation,
for presentation to the Second Regular Session of the 122nd
40 Legislature. The commission is authorized to introduce
legislation related to its report to the Second Regular Session
42 of the 122nd Legislature at the time of submission of its report;
and be it further

44 **Sec. 10. Extension. Resolved:** That, if the commission requires
46 a limited extension of time to complete its study and make its
report, it may apply to the Legislative Council, which may grant
48 an extension; and be it further

2 **Sec. 11. Commission budget. Resolved:** That the chairs of the
commission, with assistance from the commission staff, shall
3 administer the commission's budget. Within 10 days after its
4 first meeting, the commission shall present a work plan and
proposed budget to the Legislative Council for its approval. The
5 commission may not incur expenses that would result in the
6 commission's exceeding its approved budget. Upon request from
7 the commission, the Executive Director of the Legislative Council
shall promptly provide the commission chairs and staff with a
8 status report on the commission budget, expenditures incurred and
9 paid and available funds.

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SUMMARY

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This resolve establishes the Commission to Study the
17 Licensing Conflicts between the Department of Agriculture, Food
and Rural Resources and the Department of Health and Human
18 Services.