

MAINE STATE LEGISLATURE

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L.D. 1263

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DATE: **6-10-05**

(Filing No. H-**679**)

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION**

HOUSE AMENDMENT "**A**" to COMMITTEE AMENDMENT "A" to S.P. 443, L.D. 1263, Bill, "An Act To Contain Costs, Reduce Paperwork and Streamline the Regulatory Process for Maine's Small Businesses"

Amend the amendment by striking out all of the 2nd paragraph after the title (page 1, lines 25 to 36 in amendment) and inserting in its place the following:

'Further amend the bill by striking out all of sections 3 and 4 and inserting in their place the following:

'**Sec. 3. 5 MRSA §57** is enacted to read:

§57. Maine Regulatory Fairness Board established

The Maine Regulatory Fairness Board, referred to in this section as "the board," is established to hear testimony 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.

1. Membership. The board consists of 7 members who are owners, operators or officers of businesses operating in every region of the State, as follows:

A. One member appointed by the President of the Senate;

B. One member appointed by the Speaker of the House; and

R.088

2 C. Five members appointed by the Governor, at least 2 of
3 whom must represent businesses with fewer than 50 employees
4 and at least 2 of whom must represent businesses with fewer
5 than 20 employees. Prior to making these appointments
6 final, the Governor or the Governor's designee shall present
7 the appointments to the joint standing committee of the
8 Legislature having jurisdiction over business, research and
9 economic development matters.

10 An officer or employee of State Government may not be a member of
11 the board.

12
13 2. Terms of appointment. Each member appointed to the
14 board must be appointed to serve a 3-year term. No member may
15 serve more than 3 consecutive terms.

16
17 3. Chair; election of board officers; quorum. The members
18 of the board shall annually elect a chair and a vice-chair from
19 among the board members. A majority of members of the board
20 constitutes a quorum for the purpose of conducting the board's
21 business, except a lesser number may hold public hearings.

22
23 4. Duties of board. The board shall:

24
25 A. Meet at least 3 times a year in different regions of the
26 State to hear testimony from businesses regarding their
27 concerns about enforcement activities of state departments
28 and agencies; and

29
30 B. Report to the Governor and the Legislature at least
31 annually on complaints of excessive enforcement actions
32 against businesses by departments and agencies of State
33 Government. The report also must include recommendations for
34 regulatory and statutory changes, if any, that will enhance
35 the State's business climate.

36
37 5. Annual report. The board shall report by February 1st
38 of each year to the Governor and to the joint standing committee
39 of the Legislature having jurisdiction over business and economic
40 development matters and the joint standing committee of the
41 Legislature having jurisdiction over state and local government
42 matters on its findings and recommendations.

43
44 6. Technical assistance. The State Planning Office shall
45 provide technical support to the board.' '

46
47 Further amend the amendment by striking out all of sections
48 5 to 11 and inserting in their place the following:

49 'Sec. 5. 5 MRSA c. 383, sub-c. 4-A is enacted to read:

Refs.

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SUBCHAPTER 4-A

SMALL BUSINESS AND ENTREPRENEURSHIP

§13100. Small Business and Entrepreneurship

The commissioner shall create within existing budgeted resources the Office of Small Business and Entrepreneurship and appoint a director to operate the office.

1. Director. The director reports to the commissioner. The director is responsible for advocacy, policies and programs that stimulate investment and growth in small business and entrepreneurship. The director is the liaison to the public for gubernatorial initiatives on small business and entrepreneurship.

2. Duties. The director shall:

A. Advocate for small business and entrepreneurship throughout all levels of State Government;

B. Assist in the oversight and auditing of the State's investments in small business and entrepreneurship initiatives, programs and service providers;

C. Chair the Maine Entrepreneurship Working Group, which shall act as the advisory group to the Maine Small Business and Entrepreneurship Commission and subsequently the department;

D. Prepare a biennial state of small business and entrepreneurship report to the Legislature; and

E. Oversee the Business Answers program, the Maine Products Marketing Program and other department programs and initiatives relevant to small business and entrepreneurship.'

Further amend the amendment by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

RES

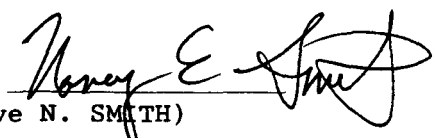
HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 443, L.D.
1263

SUMMARY

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This amendment directs the Commissioner of Economic and Community Development to create within existing budgeted resources the Office of Small Business and Entrepreneurship and outlines the duties of the Director of the Office of Small Business and Entrepreneurship. The amendment also strikes language that changes the name of the Office of Business Development to the Office of Business Development and Entrepreneurship. This amendment also reestablishes the Maine Regulatory Fairness Board.

FISCAL NOTE REQUIRED
(See attached)

SPONSORED BY: 
(Representative N. SMITH)

TOWN: Monmouth



Approved: 06/09/05 *MAC*

122nd MAINE LEGISLATURE

LD 1263

LR 0107(04)

**An Act To Contain Costs, Reduce Paperwork and Streamline the Regulatory Process for Maine's
Small Businesses**

Fiscal Note for House Amendment "A" to Committee Amendment "A"

Sponsor: Rep. Nancy Smith

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium cost increase - General Fund

Fiscal Detail and Notes

Since this legislation directs the Department of Economic and Community Development to create the Office of Small Business and Entrepreneurship within existing resources, no General Fund appropriations are provided. However, the ability of the Department to implement the requirements of this amendment without impacting existing programs and services can not be determined at this time.

Additional costs to the State Planning Office to staff the Maine Regulatory Fairness Board can be absorbed within existing budgeted resources.