

MAINE STATE LEGISLATURE

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BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Reported by:

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STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION

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 bill by striking out all of sections 1 and 2.

Further amend the bill in section 3 in subsection 1 by striking out all of paragraph C (page 2, lines 9 to 15 in L.D.) and inserting in its place the following:

'C. Five members appointed by the Governor, at least 2 of whom must represent businesses with fewer than 50 employees and at least 2 of whom must represent businesses with fewer than 20 employees. Prior to making these appointments final, 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.'

Further amend the bill by striking out all of sections 5 and 6 and inserting in their place the following:

'Sec. 5. 5 MRSA §56, sub-§4, ¶A, as enacted by PL 2001, c. 96, §1, is amended to read:

A. Meet at least twice--annually 3 times a year in --a-different region regions of the State to hear testimony from businesses regarding their concerns about enforcement activities of State state departmer:s and agencies; and

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Sec. 6. 5 MRSA §934-A, sub-§1, ¶B, as amended by PL 2003, c. 673, Pt. M, §1, is further amended to read:

B. Deputy Commissioner and Chief Executive of Small Business and Entrepreneurship;

Sec. 7. 5 MRSA §13034, sub-§4, ¶A, as enacted by PL 1989, c. 875, Pt. L, §§2 and 4, is amended to read:

A. Funding of professional staff must be provided by the department from resources made available to the Office of Business Development and Entrepreneurship for personal services.

Sec. 8. 5 MRSA §13055, sub-§1, ¶A, as amended by PL 2003, c. 198, §1, is further amended to read:

A. The Office of Business Development and Entrepreneurship;

Sec. 9. 5 MRSA §13061, as enacted by PL 1987, c. 534, Pt. A, §§17 and 19, is amended to read:

§13061. Office established

The commissioner shall establish the Office of Business Development and Entrepreneurship. This office shall encourage the initiation, expansion and location of businesses in Maine which that would expand quality employment opportunities for Maine citizens.

The Office of Business Development and Entrepreneurship shall encourage business by removing barriers to growth, facilitating exploration of opportunities and providing assistance necessary to enhance business consistent with the State's economic development strategy.

Sec. 10. 5 MRSA §13062, as amended by PL 2003, c. 673, Pt. M, §6, is further amended to read:

§13062. Office of Business Development and Entrepreneurship

The Director of the Office of Business Development and Entrepreneurship shall administer the office in accordance with the policies of the commissioner and the provisions of this chapter, emphasizing a program of targeted business development designed to attract and support particular types of businesses that have potential for Maine and businesses that are considered to be compatible with Maine's environment and interests. The office shall actively seek and encourage firms to expand or

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2 locate in Maine. The office is responsible for the
3 implementation of programs designed to promote Maine products in
4 national and international markets and to develop markets for
5 industry located in Maine.

6 The Office of Business Development and Entrepreneurship
7 shall ~~be responsible for the implementation of~~ implement a
8 program consisting of 3 primary elements.

10 1. **Business investment.** Business investment shall must be
11 encouraged consistent with this subsection.

12 A. The office shall conduct an analysis of the various
13 industrial sectors of the economy. The types of businesses
14 to be targeted for attraction and support are those that
15 have potential for development in Maine and that will
16 contribute to a healthy climate for Maine's businesses,
17 families and environment.

18 B. The office shall report its findings and recommendations
19 to the commissioner. The commissioner, with the advice of
20 the director, shall determine the type and extent of the
21 business investment program to be implemented.

22 C. The director, with the approval of the commissioner, may
23 make grants for market development from appropriations for
24 that purpose to any municipality or group of municipalities
25 ~~which have~~ that has received a grant of authority from the
26 Federal Government to establish a foreign trade zone.

27 D. Application for foreign trade zones shall must be
28 according to this paragraph.

29 (1) The director, with the approval of the
30 commissioner, on behalf of the State, may make
31 applications to the Foreign Trade Zone Board and
32 establish foreign trade zones that are to be located on
33 state-owned, leased or otherwise controlled property.
34 A municipality, a group of municipalities or a public
35 or private corporation may, with the approval of the
36 department, make applications to the Foreign Trade Zone
37 Board and establish foreign trade zones at other
38 locations. Foreign trade zones shall must be
39 established in or adjacent to any ports of entry in the
40 State, where personal property in transit shall must be
41 exempt from the stock-in-trade tax and such other taxes
42 and customs as are normally levied in a port of entry.

43 (2) Any development or activity with a foreign trade
44 zone established in the State is subject to the laws
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which that the Department of Environmental Protection, Department of Conservation, Department of Marine Resources and Department of Inland Fisheries and Wildlife are responsible for administering, as well as any other law which that protects the environment.

(3) For the purpose of this subsection, "personal property in transit" through the areas established under this paragraph means goods, wares and merchandise either moving in interstate or international commerce through these zones or consigned to a warehouse, public or private, within these zones, whether specified when transportation begins or afterward. This property shall may not be deprived of exemption because, while in the warehouse, the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged. The exemption granted shall must be liberally construed to effect the purposes of this subsection. The warehouse in which these goods, wares or merchandise are stored shall may not be owned, in whole or in part, by either the consignee or consignor. This paragraph does not apply to agricultural products.

2. Business assistance. Business assistance services shall must be provided consistent with this subsection.

A. The office shall provide business assistance services that are convenient to businesses throughout the State. The office shall use certified local and regional economic development organizations, educational institutions or certified private sector firms to implement this subsection.

(1) Business assistance services shall must include managerial and technical assistance and assistance with applications for loans and the completion of applications for licenses and permits from regulatory agencies.

(2) The office, in conjunction with local and regional organizations and other institutions and firms in the private sector with marketing expertise, may conduct seminars on marketing and marketing-related topics for Maine businesses.

B. In accordance with section 13063, the office shall implement a program to assist businesses by referring businesses and persons to the proper agencies designed to provide the business services or assistance requested, and to serve as a central clearing house of information with

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2 respect to business assistance programs and services
available in the State.

4 **3. Industry-wide assistance and market development.** The
director shall-be is responsible for a program of industry-wide
6 assistance and market development.

8 A. The director shall work with other state agencies which
that implement marketing programs and strive to coordinate
10 the marketing activities of the department with those of
other agencies whenever possible.

12 B. The director shall be--responsible, to the maximum extent
14 possible, ~~for--providing~~ provide assistance to industry
sectors and business to identify market opportunities, to
16 develop market strategies and to promote industry-wide
development.

18 **Sec. 11. Revision clause.** Wherever in the Maine Revised
20 Statutes the words "Office of Business Development" appear or
reference is made to that office or those words, they are amended
22 to read and mean "Office of Business Development and
Entrepreneurship" or "office," as appropriate, and the Revisor of
24 Statutes shall implement this revision when updating, publishing
or republishing the statutes.'

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

32 **SUMMARY**

34 This amendment deletes the provisions in the bill that would
establish the Small Business Ombudsman position within the
36 Governor's office. It also deletes the provisions that would
have increased the Maine Regulatory Fairness Board's reporting
38 requirements to the Governor and the Legislature from annually to
6 times a year. It decreases the board's meeting requirements
40 from 6 times a year to at least 3 times a year. It also provides
that the Governor's appointees to the board must represent at
42 least 2 members from businesses with fewer than 50 employees and
at least 2 members from businesses with less than 20 employees.
44 It also adds to the title of the Deputy Commissioner of Economic
and Community Development the title of Chief Executive of Small
46 Business and Entrepreneurship. It also changes the title of the
Office of Business Development to the Office of Business
48 Development and Entrepreneurship. It expands the requirement
that the Office of Business Development and Entrepreneurship
50 focus on not only attracting, but also supporting, particular
types of businesses that have potential

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2 for Maine and businesses that are considered to be compatible
with Maine's environment and interests. It also provides that
4 when the office conducts an analysis of the various industrial
sectors of the economy, the office shall analyze the types of
6 businesses to be targeted for support, as well as attraction.

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FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



Approved: 06/06/05 *MAC*

122nd MAINE LEGISLATURE

LD 1263

LR 0107(02)

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

Fiscal Note for Bill as Amended by Committee Amendment 'A'

Committee: Business, Research and Economic Development

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Office of Business Development and Entrepreneurship within the Department of Economic and Community Development can be absorbed within existing budgeted resources.