

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

---

Legislative Document

No. 1263

S.P. 443

In Senate, March 15, 2005

---

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

---

Reference to the Committee on Business, Research 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 BROMLEY of Cumberland.  
Cosponsored by Senator SCHNEIDER of Penobscot, Representative MILLS of Farmington,  
Representative SMITH of Monmouth and  
Senators: DAMON of Hancock, HOBBS of York, Representatives: AUSTIN of Gray,  
BEAUDETTE of Biddeford, BRYANT of Windham, CANAVAN of Waterville, CROSBY of  
Topsham, FARRINGTON of Gorham.

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

4 Sec. 1. 2 MRSA c. 7 is enacted to read:

6 CHAPTER 7

8 SMALL BUSINESS OMBUDSMAN

10 §151. Small Business Ombudsman

12 The Governor shall appoint, within existing budgeted  
14 resources, an ombudsman within the Governor's office, referred to  
16 as "the Small Business Ombudsman," to work with the small  
18 business community in the State and state agencies. The Small  
20 Business Ombudsman shall:

22 1. Advocate. Advocate for the small business community  
24 with state agencies and seek ways to reduce paperwork  
26 requirements for small businesses;

28 2. Seek ways to combine or coordinate inspections. Seek  
30 ways that state agencies can combine or coordinate inspections of  
32 small businesses;

34 3. Assist small businesses. Assist small businesses when  
36 they experience unfair regulatory actions or enforcement by state  
38 agencies;

40 4. Work with small business community. Work with the small  
42 business community and state agencies in implementing section  
44 8052, subsection 5-A, which requires agencies to minimize burdens  
46 on small businesses when issuing rules; and

48 5. Study and reduce barriers. Study and reduce barriers  
within State Government to small businesses' and entrepreneurs'  
doing business in the State.

Sec. 2. 5 MRSA §56, first ¶, as enacted by PL 2001, c. 96, §1,  
is amended to read:

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 6  
times a year on regulatory and statutory changes necessary to  
enhance the State's business climate.

Sec. 3. 5 MRSA §56, sub-§1, as amended by PL 2003, c. 681, §2,  
is repealed and the following enacted in its place:

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

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

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

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

14 An officer or employee of State Government may not be a member of  
15 the board.

16  
17 **Sec. 4. 5 MRSA §56, sub-§2,** as enacted by PL 2001, c. 96, §1,  
18 is amended to read:

19  
20 **2. Terms of appointment.** ~~Of the initial appointees, the~~  
21 ~~first 2 members appointed by the Governor will serve 3-year~~  
22 ~~terms; the next 2 members appointed by the Governor will serve~~  
23 ~~2-year terms; the last member appointed by the Governor will~~  
24 ~~serve a one-year term. Upon completion of the initial terms of~~  
25 ~~office pursuant to this subsection, each~~ Each member appointed to  
26 the board must be appointed to serve a 3-year term. No member  
27 may serve more than 3 consecutive terms.

28  
29 **Sec. 5. 5 MRSA §56, sub-§4, ¶¶A and B,** as enacted by PL 2001,  
30 c. 96, §1, are amended to read:

31  
32 **A.** Meet at least ~~twice annually~~ 6 times a year in a  
33 different ~~region~~ regions of the State to hear testimony from  
34 businesses regarding their concerns about enforcement  
35 activities of State state departments and agencies; and

36  
37 **B.** Report to the Governor and the Legislature ~~at least~~  
38 annually 6 times a year on complaints of excessive  
39 enforcement actions against businesses by departments and  
40 agencies of State Government. The report also must include  
41 recommendations for regulatory and statutory changes, if  
42 any, that will enhance the State's business climate.

43  
44 **Sec. 6. 5 MRSA §56, sub-§§5 and 6,** as enacted by PL 2001, c.  
45 96, §1, are amended to read:

2           **5. Annual report.** The board Small Business Ombudsman  
3 established in Title 2, section 151 shall report by February 1st  
4 of each year to the Governor and to the joint standing committee  
5 of the Legislature having jurisdiction over business and economic  
6 development matters and the joint standing committee of the  
7 Legislature having jurisdiction over state and local government  
8 matters on its the board's findings and recommendations. The  
9 ombudsman's report must include the number of cases heard before  
10 the board, a description of the types of issues addressed, how  
11 the issues were resolved and suggested changes to laws.

12           **6. Technical assistance.** The ~~State-Planning-Office~~ Small  
13 Business Ombudsman established in Title 2, section 151 shall  
14 provide technical support to the board.

15           **Sec. 7. Transition.** Members serving on the Maine Regulatory  
16 Fairness Board on the effective date of this Act continue to  
17 serve for the remainder of the terms for which they were  
18 appointed.  
19

20

22

## SUMMARY

24

25           This bill establishes the Small Business Ombudsman position  
26 within the Governor's office within existing resources to  
27 advocate for the small business community with state agencies and  
28 to provide technical assistance to the Maine Regulatory Fairness  
29 Board. The bill also adds 2 members to the board, one appointed  
30 by the President of the Senate and one appointed by the Speaker  
31 of the House. It changes the frequency of the board's reports to  
32 the Governor and the Legislature from 2 times a year to 6 times a  
33 year and requires that the Small Business Ombudsman report  
34 certain information to the Governor and the joint standing  
35 committees of the Legislature having jurisdiction over business  
36 and economic development matters and state and local government  
matters. It also requires the board to meet 6 times a year as  
opposed to 2 times.