

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1358

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H.P. 941

House of Representatives, March 17, 2005

**Resolve, To Establish the Commission To Study Incentives That Foster Small Business Practices That Support the Economic Growth and Well-being of Maine People and Communities**

(EMERGENCY)

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Reference to the Committee on Business, Research and Economic Development suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative WEBSTER of Freeport.  
Cosponsored by Senator DOW of Lincoln and  
Representatives: CUMMINGS of Portland, DUDLEY of Portland, FARRINGTON of Gorham,  
O'BRIEN of Lewiston, SMITH of Monmouth, WATSON of Bath, Senators: BROMLEY of  
Cumberland, SCHNEIDER of Penobscot.

2           **Emergency preamble.** Whereas, acts and resolves of the  
Legislature do not become effective until 90 days after  
adjournment unless enacted as emergencies; and

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6           **Whereas,** this legislation establishes the Commission to  
Study Incentives that Foster Small Business Practices that  
Support the Economic Growth and Well-being of Maine People and  
8           Communities to develop strategies to encourage long-term positive  
practices between businesses, communities and the State; and

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12           **Whereas,** the study must be initiated before the 90-day  
period expires in order that the study may be completed and a  
report submitted in time for submission to the next legislative  
14           session; and

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18           **Whereas,** in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
20           necessary for the preservation of the public peace, health and  
safety; now, therefore, be it

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24           **Sec. 1. Commission established. Resolved:** That the Commission  
to Study Incentives that Foster Small Business Practices that  
Support the Economic Growth and Well-being of Maine People and  
Communities, referred to in this resolve as "the commission," is  
26           established; and be it further

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

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34           1. Three Senators appointed by the President of the Senate,  
one of whom serves on the Joint Standing Committee on Business,  
Research and Economic Development; one of whom serves on the  
Joint Standing Committee on Taxation; and one of whom serves on  
the Joint Standing Committee on State and Local Government;

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38           2. Three members of the House of Representatives appointed  
by the Speaker of the House of Representatives, one of whom  
serves on the Joint Standing Committee on Business, Research and  
40           Economic Development; one of whom serves on the Joint Standing  
Committee on Taxation; and one of whom serves on the Joint  
42           Standing Committee on State and Local Government;

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44           3. The Commissioner of Labor or the commissioner's designee;

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46           4. The Executive Director of the Bureau of Revenue Services  
within the Department of Administrative and Financial Services,  
48           or the executive director's designee; and

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50           5. The following members appointed by the Governor:

2           A. A member representing the Maine Council of Churches or a  
similar organization;

4           B. A member representing the interests of small businesses;  
6           and

8           C. A member representing Maine Businesses for Social  
Responsibility or a similar organization; and be it further  
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12           **Sec. 3. Chairs. Resolved:** That the first-named Senate member  
is the Senate chair of the commission and the first-named House  
of Representatives member is the House chair of the commission;  
14           and be it further

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

24           **Sec. 5. Duties. Resolved:** That the commission shall review  
strategies and business supports that might be made available as  
26           positive incentives to businesses in this State that actively  
implement traditional, fair and responsible business practices  
28           and engage in activities that support the well-being of Maine  
communities by going beyond the bare minimum of complying with  
30           the laws of the State. In conducting its review, the commission  
shall:

32           1. Identify state practices and incentives that might be  
34           employed to support such businesses in continuing such practices  
and create long-term positive business practices among  
36           businesses, community and the State;

38           2. Identify measurable business practice indicators that  
the State can use to determine if a business qualifies for  
40           identified preferences or incentives; and

42           3. Develop a process by which a business that meets certain  
minimum business practice indicators would receive identified  
44           preferences or incentives; and be it further

46           **Sec. 6. Staff assistance. Resolved:** That, upon approval of the  
Legislative Council, the Office of Policy and Legal Analysis  
48           shall provide necessary staffing services to the commission; and  
be it further

2           **Sec. 7. Compensation. Resolved:** That the legislative members  
of the commission are entitled to receive the legislative per  
4       diem, as defined in the Maine Revised Statutes, Title 3, section  
2, and reimbursement for travel and other necessary expenses  
6       related to their attendance at authorized meetings of the  
commission. Public members not otherwise compensated by their  
8       employers or other entities that they represent are entitled to  
receive reimbursement of necessary expenses and, upon a  
10      demonstration of financial hardship, a per diem equal to the  
legislative per diem for their attendance at authorized meetings  
12      of the commission; and be it further

14           **Sec. 8. Report. Resolved:** That, no later than December 7,  
2005, the commission shall submit a report that includes its  
16      findings and recommendations, including suggested legislation,  
for presentation to the Second Regular Session of the 122nd  
18      Legislature. The commission is authorized to introduce  
legislation related to its report to the Second Regular Session  
20      of the 122nd Legislature at the time of submission of its report;  
and be it further

22           **Sec. 9. Extension. Resolved:** That, if the commission requires  
24      a limited extension of time to complete its study and make its  
report, it may apply to the Legislative Council, which may grant  
26      an extension; and be it further

28           **Sec. 10. Commission budget. Resolved:** That the chairs of the  
commission, with assistance from the commission staff, shall  
30      administer the commission's budget. Within 10 days after its  
first meeting, the commission shall present a work plan and  
32      proposed budget to the Legislative Council for its approval. The  
commission may not incur expenses that would result in the  
34      commission's exceeding its approved budget. Upon request from  
the commission, the Executive Director of the Legislative Council  
36      shall promptly provide the commission chairs and staff with a  
status report on the commission budget, expenditures incurred and  
38      paid and available funds; and be it further

40           **Sec. 11. Outside funding. Resolved:** That the chairs of the  
commission may seek and accept outside funding. Prompt notice of  
42      solicitation and acceptance of funds must be sent to the  
Legislative Council. All funds accepted must be forwarded to the  
44      Executive Director of the Legislative Council along with an  
accounting that includes amount, date received, from whom,  
46      purpose and limitation on use of the funds. The Executive  
Director of the Legislative Council administers any funds  
48      received. Expenses that have an effect on the General Fund may  
not be incurred by the commission.

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2           **Emergency clause.** In view of the emergency cited in the  
preamble, this resolve takes effect when approved.

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#### SUMMARY

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8           This resolve establishes the Commission to Study Incentives  
that Foster Small Business Practices that Support the Economic  
Growth and Well-being of Maine People and Communities.