

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 1995

S.P. 789

December 18, 2007

An Act To Strengthen the Maine Small Business and Entrepreneurship Commission

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 18, 2007. Referred to the Committee on Business, Research and Economic Development pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BROMLEY of Cumberland.
Cosponsored by Representative SMITH of Monmouth and
Senators: HOBBS of York, NUTTING of Androscoggin, SCHNEIDER of Penobscot,
Representatives: BEAUDETTE of Biddeford, EBERLE of South Portland, PINGREE of North
Haven, SAMSON of Auburn, SILSBY of Augusta.

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

2 **Sec. 1. 5 MRSA §13033**, as amended by PL 2005, c. 425, §3, is repealed and the
3 following enacted in its place:

4 **§13033. Membership; staff**

5 **1. Membership.** The commission consists of 10 members:

6 A. The Chief Executive Officer of the Finance Authority of Maine or the chief
7 executive officer's designee;

8 B. The commissioner or the commissioner's designee;

9 C. The Senate and House chairs of the joint standing committee of the Legislature
10 having jurisdiction over business, research and economic development matters, who
11 are ex officio, nonvoting members;

12 D. The chair of the Small Business Development Center's Advisory Council;

13 E. The District Director of the United States Small Business Administration's Maine
14 District Office;

15 F. A designee from the administrative unit; and

16 G. Three public members with expertise and knowledge in small business and
17 entrepreneurship, appointed by the Governor and subject to confirmation by the
18 Senate. A member appointed pursuant to this paragraph serves a 3-year term.

19 Members serving by virtue of their status pursuant to paragraphs A to F serve as long as
20 they maintain that status.

21 **2. Chair.** The commissioner or the commissioner's designee serves as chair of the
22 commission.

23 **3. Staff.** The department shall provide staff, including professional staff and clerical
24 support, to the commission.

25 **Sec. 2. 5 MRSA §13034, sub-§2**, as amended by PL 2001, c. 142, §3, is further
26 amended to read:

27 **2. Evaluate small business programs.** Evaluate and make recommendations to
28 coordinate small business and entrepreneurial programs statewide, including those
29 administered or overseen by the department; and

30 **Sec. 3. 5 MRSA §13034, sub-§3**, as amended by PL 2001, c. 142, §3, is further
31 amended to read:

32 **3. Issue reports and recommendations.** Issue reports and recommendations to the
33 commissioner, the Governor and the Legislature in regard to programs that support or
34 promote small business assistance and entrepreneurship; and.

Sec. 4. 5 MRSA §13034, sub-§4, as enacted by PL 1989, c. 875, Pt. L, §§2 and 4, is repealed.

Sec. 5. 5 MRSA §13035, sub-§4 is enacted to read:

4. Board of directors. The commission shall operate as the functional equivalent of the board of directors for the Small Business Development Center Program in the State and shall ensure compliance with federal guidelines for the program. In acting as the board of directors, the commission shall submit to the joint standing committee of the Legislature having jurisdiction over business and economic development matters for review by January 31st in each first regular session:

A. A set of governance procedures adopted by the commission for the program; and

B. The commission's recommendation for funding the Small Business Development Center Program.

Sec. 6. 5 MRSA §13035, sub-§5 is enacted to read:

5. Chair's annual report. The commission, through the chair, shall annually issue a report on small business economic development in the State.

Sec. 7. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 5, section 13033, subsection 1, paragraph G, the Governor shall nominate the 3 public members of the Maine Small Business and Entrepreneurship Commission for confirmation by the Senate in the First Regular Session of the 124th Legislature so that one member serves a one-year term, one member serves a 2-year term and one member serves a 3-year term. Members appointed after that session are appointed for 3-year terms.

SUMMARY

This bill makes several changes to the law governing the Maine Small Business and Entrepreneurship Commission. Specifically, the bill does the following.

1. Under current law, the Commissioner of Economic and Community Development appoints 3 public members to the commission with expertise and knowledge in small business and entrepreneurship. Under this bill, the Governor appoints those members, subject to confirmation by the Senate, for 3-year staggered terms.

2. The bill provides that the chair of the commission is the Commissioner of Economic and Community Development or the commissioner's designee.

3. The bill requires the Department of Economic and Community Development to provide both professional and clerical staff to the commission.

4. The bill makes the commission the functional equivalent of a board of directors for the Small Business Development Center Program and requires the commission to adopt a set of governance procedures and submit funding recommendations to the joint

1 standing committee of the Legislature having jurisdiction over business and economic
2 development matters.

3 5. The bill requires the chair of the commission to issue an annual report on small
4 business economic development in the State.