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2009 Annual Report of the Maine Regulatory Fairness Board

to

Joint Standing Committee on Business, Research, and Economic Development

Pursuant to 5 MRSA §57

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Introduction:

The Legislature created the Maine Regulatory Fairness Board (RFB) in 2005 to hear testimony and to report to the Legislature and the Governor on regulatory and statutory changes necessary to enhance the State's business climate (see appendix A). RFB hears testimony to elicit public comment from Maine businesses concerning: interactions or roles between businesses and government agencies; specific state regulations which seriously impact business; kinds of assistance, subsidies, grants, or other forms of aid that could be improved or better marketed; and other specific suggestions that could improve communications, programs, or policies between Maine's businesses state agencies.

The RFB meets in different regions of the state to hear testimony from business community representatives and also holds public meetings in Augusta for administrative and operational purposes and to discuss public comments received in writing in between public hearings. After being inactive in 2008, the current RFB reconvened in July of 2009, elected officers, reviewed the duties of the Board including two new charges from the First Regular Session of the Maine Legislature (see appendices E and F), and held a public hearing in the Business, Research, and Economic Development committee room. Although the RFB has only been in its current form for 6 months, this report summarizes the Board's duties and its activities during the year 2009, and outlines RFB's direction for 2010.

Regulatory Fairness Board Meetings and Hearings:

All RFB meetings are public and the agendas and notes from these meetings, as well any transcripts of public testimony, are made publicly available (see appendix B). RFB met for three meetings and one public hearing during the year 2009. During the meetings, members discuss the role and direction of the board, review tasks assigned by the governor and legislature, speak with representatives of state agencies, and assess written comments or complaints that have been received by email from members of the private business community.

The first of three required public hearings was held in Augusta on December 14th. As these public hearings in past years have been sparsely attended, RFB members made an effort to connect with business leaders and networks to specifically invite participants to testify in front of the RFB. An announcement was made in the local newspaper, the *Kennebec Journal* (see appendix C), and online to attract 'walk-ins' to testify at the hearing, but no walk-ins chose to appear before the RFB.

Witnesses at the December 14th hearing included:

- David Clough, NFIB Maine.
- Jon Doyle, Partner of Doyle & Nelson Law Firm.
- Chris Hall, Senior Vice President of the Portland Chamber of Commerce.
- Matt Jacobson, President of Maine & Company.
- Jaime Py, President of Maine Energy Marketers Association.
- Marianne Sensale-Guerin, resident of Windham and small business owner.

Their testimonies are available in the meeting transcript and will contribute to the RFB's direction over the course of this next year.

Regulatory Fairness Board Members:

The Board is comprised of seven members who are owners, operators, or officers of businesses operating throughout the State. One member is appointed by the President of the Senate, one member is appointed by the Speaker of the House, and five members are appointed by the Governor, at least two of whom must represent businesses with fewer than 50 employees and at least two of whom must represent businesses with fewer than 20 employees. The Board is currently staffed by an employee of the Maine State Planning Office who provides technical assistance to the Board.

Members of the Board volunteer their time and their unique expertise to serve as liaison between the State's business community, regulatory authorities, and law makers. Board members serve three-year terms and may serve up to three consecutive terms, and a Chair and Vice-Chair are elected annually. There is one vacancy on the Regulatory Fairness Board at present. The six current members are:

Eliot Stanley, Chair, of Portland, appointed by the Governor.

Linda Snyder, Vice-Chair, of Auburn, appointed by the Governor.

Marie Emerson, of Addison, appointed by the Speaker of the House.

Van L. Perry, of Readfield, appointed by the Governor.

Edward S. Phillips, Jr., of Winthrop, appointed by the Governor.

Elizabeth Shissler, of Portland, appointed by the Governor.

(See RFB member bios in appendix G.)

Administrative Procedures Act:

Licensing and regulatory enforcement actions have serious impacts on licensed professionals and companies. RFB has considered testimony from business community members and legal advisors and believes that it is unfair for licensing boards and regulatory agencies to act as both examiner and enforcer when addressing complaints against license holders. "An Act to Establish an Office of Administrative Law Judges for Licensing Boards" (appendix D) is legislation drafted as a recommendation from the 2006 RFB and has been introduced to the Second Regular Session of the 124th Maine Legislature by Representative Nancy Smith after discussion with the RFB. Assigned LD 1608, this bill establishes an Independent Office of Administrative Law Judges who are autonomous from the licensing boards and who will hear and decide all agency enforcement actions. These administrative law judges should be legally trained (preferably lawyers or retired judges) and not selected, approved, paid, or controlled by the licensing agencies.

Based on comments received at its public hearings, the RFB recognizes that the Administrative Procedures Act of 1977 has evolved over time to allow increased autonomy from the administrative court to individual agencies. LD 1608 reestablishes an administrative court to give licensees fair trials when licensing boards have complaints against the licensees. The RFB believes that an administrative law court will improve the predictability of regulatory decisions in Maine, and many more complaints will be negotiated and possibly settled before they are asked to stand up in front of a judge.

Improvements in the predictability and fairness of Maine's regulatory system will help Maine industries prosper.

Regulatory Issues in Maine's Composite Sector:

"To Facilitate the Creation and Expansion of an Identified Business Sector", resolve 62 of the 124th Maine Legislature, 1st session (see appendix E), was sponsored by Senator Elizabeth Schneider and directed the Maine Department of Economic and Community Development (DECD) to identify regulatory barriers for a specific industry cluster in Maine. DECD chose the composite sector for this resolve, a growing industry in the state of Maine that has broadened its manufacturing base into items from boats to wind turbines and from pipes to bridges. Maine is uniquely situated with a long history in boat building and with geography suitable for wind and other renewable energy investment that help position the composite industry to succeed in this state. DECD stated in their 2009 report for this resolve that they "felt that eliminating and/or modifying regulatory issues that are potentially hindering the industry from expanding and developing would be a timely and important effort."

The Legislature tasked the RFB with assisting DECD in determining solutions, including streamlining the regulatory process, for impediments identified during interviews with composite industry representatives. The DECD workgroup did not identify any major regulatory issues in the state of Maine for the composite industry and stated in their report to the legislature that "many composite companies work very well with the regulatory agencies," including the Department of Environmental Protection (DEP). DECD's recommendations for improving the regulatory environment for the composite industry included the establishment of a single database shared by all agencies that would eliminate redundancies in regulatory paperwork and to implement an easy-to-navigate website to improve the accessibility of all permitting, licensing, and regulatory information – recommendations which would be helpful for all industries. The RFB met with a representative from DECD to discuss and comment on the DECD workgroup's findings and recommendations.

To Identify Regulatory Burdens and Find Efficiencies:

"Resolve, To Implement Select Recommendations of the Joint Select Committee on Future Maine Prosperity" (see appendix F) tasks the Maine RFB with identifying regulatory burdens and finding efficiencies in consultation with private business representatives and trade unions throughout the state and public agencies like the Department of Professional and Financial Regulation, the Department of Economic and Community Development, and the Department of Health and Human Services. This resolve requires RFB to provide the Joint Standing Committee on Business, Research and Economic Development (BRED) with recommendations on ways to enhance Maine's business climate.

The final report from the Joint Select Committee on Future Maine Prosperity states that,

... for Maine to move forward on the road to prosperity, Maine's regulatory agencies must reinvent themselves and how they interact with Maine businesses. Regulatory agencies and their employees must strive to provide a consistent, efficient and effective regulatory environment for businesses. It is critical that all agencies work to improve relationships with the business community. It is not a matter of choosing between regulation and promotion. Regulations should be enacted, written, and enforced in a manner that achieves their intended goals while minimizing unnecessary and unproductive conflicts and redundancies for those impacted. We need an effective partnership between State agencies and the business

community. Regulatory agencies should work diligently to promote a new attitude that replaces sometimes adversarial relationships.

Many of the issues that are also mentioned in the *2009 Measures of Growth In Focus* report from the Maine Economic Growth Council and the report entitled *Charting Maine's Future, An Action Plan for Promoting Sustainable Prosperity and Quality Places* by the Brookings Institution will require a multi-dimensional approach addressing regulatory concerns at the local, state, and federal levels, making it easier and more advantageous for businesses to fulfill regulatory obligations, and promoting and improving government programs designed to help businesses succeed in Maine. RFB has conducted one public hearing and will conduct up to three more in 2010 to gauge the important issues of Maine's business community. RFB will also be investigating the issues which have already been identified in the previous sections of this report and reviewing the best practices of regulatory agency-business community relationships in other states to compile recommendations for Maine by early 2011.

Findings, Recommendations, and Proposed Legislation

The RFB is actively working with the legislative committee of reference, BRED, to seek enactment of LD 1608, which came out of work done by RFB during its 2006-2009 term. This proposed legislation has caught the attention of individual licensees, business community and trade union representatives, and regulatory agencies alike. At the time of writing this report, RFB has been directed by BRED to consult with the various stakeholders, including the Department of Financial and Professional Regulation, to focus the substance and language of the bill to best serve all parties.

The following is excerpted from RFB's 2007 annual report as it relates to the current LD 1608:

Because of the serious nature of licensing and regulatory enforcement actions on licensed professionals and companies, the board believes it is fundamentally unfair and a denial of due process for licensing boards to act as investigator, prosecutor, judge and jury.

While it is possible for the Legislature [to] require that all licensing enforcement actions by state agencies be brought and heard in the District Court as required by the original version of the Administrative Procedure Act as enacted in 1977, and the original provisions of the law placed this activity in the district courts, given the backlog of cases, the board is hesitant to add to their already overwhelming workload.

Recommendations:

1. The board recommends as the preferred approach the creation of an Independent Office of Administrative Law Judges.
2. These judges will be independent from the licensing boards and will hear and decide all agency enforcement actions. The administrative law judges should be legally trained (preferably lawyers or retired judges) and not selected, approved, paid or controlled by the licensing agencies. In addition, in any enforcement hearing the court or administrative law judge apply the Maine Rules of Evidence

The RFB unequivocally reiterates its support for LD 1608 in this report and urges enactment of this important legislation.

Although the RFB does not yet have sufficient data to offer new findings, recommendations, or proposed legislation based on witness contributions this year, RFB has heard a number of points and observations through the December 14th hearing and written correspondence from interested parties that will inform the work of RFB throughout the next year.

The following examples of regulatory concern can be found discussed in detail and in context in the full-length transcription from the December 14th hearing posted on the RFB website. Three issues in summary include:

- There are concerns with siting approval processes, both local and state, taking too long and giving siting authorities too much flexibility. Suggestions for addressing this concern include siting authorities doing more work preemptively to facilitate smooth, quick, decisive, and consistent siting processes. For example, a region with a concentration of retail activity in a given area may examine possibilities for future development to speed the process and better cooperate with potential economic development opportunities.
- New businesses could benefit from having a single point of contact and information clearinghouse for all matters regulatory in nature. This, in combination with eliminating duplication and/or redundancy in filing paperwork and submitting to overlapping jurisdictions for multiple regulatory requirements, would make the relationship between licensee and regulator more facilitative, and represent an important step away from seemingly adversarial atmosphere that creates friction between the two groups. An office of regulatory streamlining, for example, could be created by the next administration to concentrate to identify, quantify, and describe regulations in a fashion accessible and helpful to Maine businesses.
- Agencies or boards which regulate licensees should not serve as prosecutor, judge, and jury when addressing complaints against licensees. Guaranteeing a fair process for regulatory inquiries would improve the predictability and consistency of all regulatory decisions, elements described as essential by representatives of the business community for improving the relationship between licensees and regulators and to improving the overall economy in Maine.

Appendices:

Appendix A: Public Law, Chapter 181

Title 5: ADMINISTRATIVE PROCEDURES AND SERVICES

Part 1: STATE DEPARTMENTS

Chapter 3: ADMINISTRATIVE DEPARTMENTS, AGENCIES, BOARDS, ETC., GENERALLY

§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. [2005, c. 458, §1 (NEW).]

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; [2005, c. 458, §1 (NEW).]

B. One member appointed by the Speaker of the House; and [2005, c. 458, §1 (NEW).]

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. [2005, c. 458, §1 (NEW).]

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

[2005, c. 458, §1 (NEW) .]

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

[2005, c. 458, §1 (NEW) .]

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

[2005, c. 458, §1 (NEW) .]

4. Duties of board. The board shall:

A. Meet at least 3 times a year in different regions of the State to hear testimony from businesses regarding their concerns about enforcement activities of state departments and agencies; and [2005, c. 458, §1 (NEW).]

B. Report to the Governor and the Legislature at least annually on complaints of excessive enforcement actions against businesses by departments and agencies of State Government. The report also must include recommendations for regulatory and statutory changes, if any, that will enhance the State's business climate. [2005, c. 458, §1 (NEW).]

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

[2005, c. 458, §1 (NEW) .]

6. Technical assistance. The State Planning Office shall provide technical support to the board.

[2005, c. 458, §1 (NEW) .]

7. Compensation. Board members are entitled to compensation for expenses only pursuant to section 12004-I, subsection 2-G.

[2007, c. 676, §1 (NEW) .]

Appendix B: LR2457

Legislative Request Accepted by the Legislative Council by Sponsor for the 124th 2nd Regular Session:

Committee: Business, Research, and Economic Development

Sponsor: Representative Smith, N.

LR: 2457

Appendix B: December 2009, Public Hearing Notice

NOTICE of Public Hearing
Maine Regulatory Fairness Board
Monday, December 14th, 2009, 1:00pm
BRED Committee Hearing Room
Room 208 Cross Office Building, Augusta

The Maine Regulatory Fairness Board is established to hear testimony and to report to the Legislature and the Governor on regulatory and statutory changes necessary to enhance the State's business climate.

The Board seeks public comment from Maine businesses about problems that businesses have encountered in complying with Maine laws and regulations. The purpose of the afternoon hearing session is to hear testimony from the public business community and state regulators concerning: interactions or roles between businesses and government agencies; specific state regulations which seriously impact business; kinds of assistance, subsidies, grants, or other forms of aid that could be improved or better marketed; and other specific suggestions that could improve communications, programs, or policies between Maine's businesses state agencies.

Persons wishing to testify are encouraged to notify the board regarding the subject matter of testimony in advance of the hearing to be included on the agenda. Persons unable to attend the hearing may provide formal written comments to the board. For more information or to submit comments to the board, please contact: **Thomas Merrill, Maine State Planning Office, 38 SHS, Augusta, Maine 04333** or via e-mail at thomas.merrill@maine.gov.

The Freedom of Information Act (FOIA) applies to the proceedings of the board. Any document or testimony it receives (either orally or in writing) becomes public record. Persons are advised to avoid providing sensitive business information they may not wish to publicly disclose.

Appendix C: Public Archive of Meeting Notes and Hearing Testimony

Public meetings to date are summarized here:

- July 31st meeting at the Maine State Planning Office:
[http://www.maine.gov/spo/boards/regulatoryfairness/2009/meetings/090731 minutes.pdf](http://www.maine.gov/spo/boards/regulatoryfairness/2009/meetings/090731%20minutes.pdf).
- September 23th meeting at the Maine State Planning Office:
[http://www.maine.gov/spo/boards/regulatoryfairness/2009/meetings/090923 meeting notes.pdf](http://www.maine.gov/spo/boards/regulatoryfairness/2009/meetings/090923%20meeting%20notes.pdf).
- December 14th meeting at the Maine State Planning Office:
[http://www.maine.gov/spo/boards/regulatoryfairness/2009/meetings/091214 meeting notes.pdf](http://www.maine.gov/spo/boards/regulatoryfairness/2009/meetings/091214%20meeting%20notes.pdf).

The transcript from the December 14th Hearing of the Regulatory Fairness Board in Augusta, Maine is available at: http://www.maine.gov/spo/boards/regulatoryfairness/2009/meetings/091214_transcript_long.pdf.

Appendix D: Administrative Procedures Act Legislation (as of Dec 31st, 2009)

LD1608

Second Regular Session, 124th Maine Legislature

An Act to Establish an Office of Administrative Law Judges for Licensing Boards

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

Sec. 1. 10 MRSA §8001, sub-§3-A, as enacted by PL 2001, c. 182, §5, is amended to read:

3-A. Office of Securities. Office of Securities; and

Sec. 2. 10 MRSA §8001, sub-§3-B is enacted to read:

3-B. Independent Office of Administrative Law Judges. Independent Office of Administrative Law Judges; and

Sec. 3. 10 MRSA §8003, sub-§2-B is enacted to read:

2-B. Independent Office of Administrative Law Judges. Effective October 1, 2011, the Independent Office of Administrative Law Judges, as set forth in section 8001, subsection 3-B, is established within the department. The Independent Office of Administrative Law Judges is responsible for hearing and deciding all occupational and professional licensing enforcement actions that are brought against a licensee or a registrant and referred by the Office of Licensing and Registration.

A. The commissioner may appoint a director of the Independent Office of Administrative Law Judges, who must be either a licensed attorney admitted to the practice of law in the State or a retired judge of the District Court or Superior Court. The director may hire administrative law judges necessary to perform the responsibilities under this section. An administrative law judge must be admitted to the practice of law in the State and registered with the Board of Overseers of the Bar or be a retired judge of the District Court or Superior Court. The director may hire clerical and technical assistants necessary to discharge the duties of the office and shall outline their duties and fix their compensation, subject to the Civil Service Law.

B. The Maine Rules of Evidence apply in all enforcement actions brought under this subsection against a licensee or registrant, and the parties may conduct and use the same discovery procedures as provided in the Maine Rules of Civil Procedure.

C. A person aggrieved by an enforcement of the Independent Office of Administrative Law Judges may, within 30 days of the enforcement action, appeal to the District Court.

Sec. 4. Transition. The Commissioner of Professional and Financial Regulation shall identify the statutory and rule changes necessary to implement this Act, including, but not limited to, identifying those changes necessary to authorize the Independent Office of Administrative Law Judges, established in the Maine Revised Statutes, Title 10, section 8003, subsection 2-B, to hear and decide all licensing board enforcement actions and for licensing boards to receive, review and investigate licensing complaints for referral to the Independent Office of Administrative Law Judges. The commissioner shall submit a report that includes the commissioner's findings and recommendations, including suggested legislation to implement the statutory changes, to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters by January 15, 2011.

After receipt and review of the report, the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters may submit legislation to the First Regular Session of the 125th Legislature.

Sec. 5. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 10, section 8001, subsection 3-A and enact Title 10, section 8001, subsection 3-B and Title 10, section 8003, subsection 2-B take effect October 1, 2011.

SUMMARY

This bill establishes the Independent Office of Administrative Law Judges to decide cases related to licensing complaints from licensing boards under the Department of Professional and Financial Regulation.

Appendix E: Resolve Ch 62, 124th

RESOLVE Chapter 62

Signed on 2009-05-20 - First Regular Session - 124th Maine Legislature

Resolve, To Facilitate the Creation and Expansion of an Identified Business Sector

Sec. 1. Removal of regulatory barriers for identified business sector. Resolved: That the Department of Economic and Community Development shall identify a business sector in this State, such as wind power development or aquaculture, and convene a working group of representatives of that identified sector. The working group shall identify problems in the regulatory process that impede the development or expansion of that business sector. Following identification of the impediments, the working group shall consult with the agencies in charge of regulation of that industry and coordinate feedback from the Executive Department, State Planning Office, Maine Regulatory Fairness Board to determine solutions, including streamlining the regulatory process, to those identified impediments.

The department shall submit a report of its findings and recommendations, along with legislation necessary to overcome the identified impediments, no later than December 15, 2009 to the Joint Standing Committee on Business, Research and Economic Development. The joint standing committee may submit legislation to the Second Regular Session of the 124th Legislature based on the recommendations of the department's report.

Appendix F: Resolve Ch 110, 124th

RESOLVE Chapter 110

Emergency Signed on 2009-06-09 - First Regular Session - 124th Maine Legislature

Resolve, To Implement Select Recommendations of the Joint Select Committee on Future Maine Prosperity

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

Whereas, the Joint Select Committee on Future Maine Prosperity issued its final report in January 2008; and

Whereas, the committee's report recommended a wide variety of strategies and actions designed to improve the State's economy and support greater prosperity for all citizens of the State; and

Whereas, the committee's report specifically called for an improved business climate in the State; and

Whereas, the committee's report acknowledged that it was critical that state agencies work to improve relationships with the business community and eliminate adversarial relationships; and

Whereas, the committee's report specifically recommended that the Governor direct all state agencies to reinvent themselves and how they interact with businesses in the State in order to provide a consistent, efficient and effective regulatory environment; and

Whereas, the committee's report called for regulatory reform that achieves goals in a manner that minimizes unnecessary and unproductive conflicts and redundancies for the regulated community; and

Whereas, this resolve needs to take effect before the expiration of the 90-day period in order for the report required in this legislation to be completed in a timely fashion; and

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 necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Maine Regulatory Fairness Board to identify regulatory burdens and find efficiencies.

Resolved: That the Maine Regulatory Fairness Board, established in the Maine Revised Statutes, Title 5, section 57, in consultation with private and public stakeholders, including but not limited to the Department of Professional and Financial Regulation, the Department of Economic and Community Development and the Department of Health and Human Services, shall review and identify ways to advance the State's business climate as identified by the 2009 Measures of Growth In Focus report from the Maine Economic Growth Council, the final report of the Joint Select Committee on Future Maine Prosperity, the report entitled "Charting Maine's Future, An Action Plan for Promoting Sustainable Prosperity and Quality Places" by the Brookings Institution and any other reports identified by the board; to improve the efficiency, effectiveness and consistency of the State's regulatory systems; and to improve the relationships between regulators and the regulated community. The Maine Regulatory Fairness Board shall use the process for accepting public input through public meetings across the State currently required pursuant to Title 5, section 57 to assist in the identification of regulatory burdens; and be it further

Sec. 2. Report. Resolved: That, no later than February 15, 2010, the Maine Regulatory Fairness Board shall provide a briefing regarding the work performed to date pursuant to section 1 to the Joint Standing Committee on Business, Research and Economic Development and that same committee is authorized to introduce a bill related to the subject matter of section 1 to the Second Regular Session of the 124th Legislature. No later than January 15, 2011, the board shall also provide a written report that includes its findings and recommendations pursuant to section 1, including any suggested legislation, to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters.

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

Appendix G: Regulatory Fairness Board Member Bios

Marie Emerson CCE, CRC, CB, CFSP is a farmer, business owner, and an educator. The landmark downeast business Wild Blueberry Land is retail shop, bakery, and agricultural entertainment destination. The family farm Wild Wescogus Berries is also a processing facility and a member of a farmers' cooperative which distributes frozen product throughout the country. She is active in promoting value added products for Maine producers and has been on numerous television shows including the Today Show, Rural America, and international Globo Networks. Marie has served on the Maine Tourism Commission, Maine Community College Finance Committee, and Maine Food Service Advisory Board and is a member of many state and local organizations. She has been an instructor at WCCC for 27 years and received the award for excellence in teaching three times as well as the national community college teaching award. She received the 2008 governor's award for volunteerism for her work with Give Kids the World. She earned her degrees through the University of Maine system and is a graduate of the Maine Leadership Institute. Her interests are all food related issues, (including wellness and nutrition), reversing the Maine youth drain, and promoting Maine's quality of life. Marie is married to Dell Emerson whose three of four children reside, work, and own a business in Maine.

Van Perry is currently the owner of Resource Connections, a financial consulting company in Readfield, Maine. Prior to having his own business, Van was a Commercial Loan Officer and Vice President at Mechanics Savings Bank, a Senior Business Banker at Key Bank, a Regional Vice President at Northeast Bank, and a Senior Commercial Loan Officer at the Finance Authority of Maine. His business goal is to effectively manage commercial banking relationships and to meet customer's needs by providing small business banking solutions for both existing and prospective new relationships in the Maine business community. He is also the Treasurer of the Board at the Nezinscot Guild in Turner, a Member of the Readfield Planning Board, the Treasurer of the Board of the Western Kennebec Economic Development Alliance in the Winthrop area, and Vice President of the Auburn/Lewiston Rotary Breakfast Club. Van has a B.S. in Resource Economics from the University of Maine, a Banking Certificate from the New England School of Banking at Williams College, an International Business Certificate from the University of Maine, and he is a graduate of the Androscoggin Leadership Development Institute. Van is married with two boys, ages 13 and 20, lives in Readfield, and enjoys boating, SCUBA diving, fishing, camping, hiking, and X-C skiing.

Ed Philips is president and owner of Tel-Com Training, Inc, a firm involved in training telecommunications installation and design personal on standards and codes that apply to the industry. Ed has been involved in the development of courses, standards, and codes for many years. Ed has also trained many persons throughout the USA and overseas. He has made many presentations to national groups. He has served as chapter and section chair on design and training manuals as well as serving as chairperson for a national association standards committee. His present goal on the Regulatory Fairness Board is to try to help make Maine a place that small business wants to be and to encourage persons to develop business that will encourage our young people live and work in the state, and also that our citizens are treated fairly by regulatory boards and agencies. He has an Associate degree in Electrical Engineering from Lincoln Institute and numerous courses and certificates from trade associations. Ed

has served on local school committee, local code update committees and presently serves on a Board of Appeals and Sanitary District Trustee in Monmouth. Ed is married since 1963, has 4 children and 7 grand children, and lives in Monmouth since 1967. He enjoys gardening and local issues and politics.

Elizabeth Shissler, co-owner and President of Sea Bags, Inc., was born and raised in Maine. Shissler has experience working for global companies such as Philips Electronics (Netherlands) and Northern Telecom (Canada), and has traveled extensively overseas for business. In her job at Philips Semiconductors, Shissler managed a \$151 million distributor. When she decided to stop traveling and to be home in Maine full time, a subsequent partnership in Sea Bags gave her the perfect opportunity. "For me, Sea Bags, a start-up, was the perfect draw home... I love the working waterfront and the sense of entrepreneurship that Maine induces. All of my previous experience has helped build a sustainable brand in Maine." Shissler and business partner, Hannah Kubiak, are committed to keeping manufacturing local and providing jobs (and careers) in Maine. The company strongly believes it is their responsibility to contribute to community and actively work with Maine Cancer Foundation and Sail Maine. In addition to the Regulatory Fairness Board, Beth serves on the Board of Make-A-Wish Foundation for Maine. She has served on an Economic Development Task Force and is passionate about Maine. Beth and her husband, Ben, live in Harpswell. She has an MBA from Boston University and global work experience.

Linda Snyder, M.S., has worked extensively as both a small and large business owner and in the non-profit world. She's owned both a gift shop and an espresso bar, has worked as a mental health policy consultant for the State of Maine, and has been a freelance trainer and writer during a career that has included winning several business and economic development awards driven by a non-stop dedication to community, municipal, and state government volunteerism. Linda earned her undergraduate degree in Psychology (with Education & Sociology minors) in 1980, and her Master's degree in Administration of Adult Education Programs three years later. She's since earned numerous other post graduate credits and certifications, including her Real Estate Sales Agent license in 2008 and her Associate Broker's license in 2010. Linda's professional background includes a variety of teaching and administrative positions in the adult education field, housing development & grant-writing for a non-profit agency, being an executive at a large company she built from a single employee to over 200 at its peak, and at one point owning 50,000 square feet of commercial office space and over 2 dozen residential units with a property management company. As a volunteer, Linda was one of just two women appointed to the Mayors' Commission on Joint Services for Lewiston & Auburn, she was a delegate to the All America Cities competition in Anaheim CA for the City of Lewiston, and she served on the Boards of Directors for the Androscoggin Chamber of Commerce for 6 years and the Bridgton Chamber for 2 years, as well as the Lewiston Downtown Advisory Board for 6 years.

Eliot Stanley, Chair, was first appointed to the MRFB in 2006 by Governor John Baldacci and was re-appointed in 2009 for a second 3-year term. On July 31, 2009, Eliot was elected by the Board to serve as its chairperson.

For twenty years prior to his retirement in 2003, Mr. Stanley was owner/operator of New England Antigenics, a small Maine biomedical firm which manufactured powdered allergens for the testing and treatment of allergy. In 1997, he was one of four CEOs of small biotech firms selected to accompany

Governor Angus King on his trade mission to Brazil and Argentina as an example of outstanding innovation in Maine's small business sector.

Stanley holds an honors degree from Harvard University, Class of 1963, and a law degree from the National Law Center, George Washington U., D.C., 1972. In 1976, he received the Distinguished Service Award of the U.S. Commission on Civil Rights for his work as its acting regional counsel in New York City. Thus, prior to his experience in Maine business, he developed special expertise in field investigations, witness selection and interviewing, conduct of fact-finding hearings, administrative law, and development of remedial legislation. He has also served as a consultant to the Maine Human Rights Commission, U. of Maine School of Law, the Maine Supreme Judicial Court and the Native American Rights Fund. In recent years, Eliot Stanley's biography has been selected for inclusion in Marquis' Who's Who in America and related volumes on law and business.

Eliot lives in Portland and is married to Julia Adams, violist of the Portland String Quartet. His avocations include antiquarian books – he founded and was first president of The Baxter Society of Maine in 1984; ornithology; and fishing – he is an active member of the Sebago Lake Anglers' Association and caught the record largest Northern Pike ever for that lake in 2008 (41").