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**2011 Annual Report of the
Maine Regulatory Fairness Board**

to

The Joint Standing Committee on Labor, Commerce, Research and Economic Development

and

The Honorable Paul R. LePage, Governor of Maine

Pursuant to 5 MRSA §90-T

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Introduction

The Maine Regulatory Fairness Board (RFB) invites public testimony on regulatory and statutory issues that impact Maine businesses. To effectively report to the Legislature and the Governor on regulatory conflicts, the Board elicits public comment from Maine business owners/managers and the public concerning:

- ◆ specific state rules and regulations that may unreasonably impede business sustainability and growth; and
- ◆ recommendations for regulatory and statutory change that may enhance Maine's business climate.

The Board holds hearings in various parts of the state to invite testimony that highlights and details regulations in need of scrutiny and amendment. The Board announces these hearings via news releases and websites to attract those who wish to present their perspectives on pertinent topics. The Board also holds public meetings in Augusta where it weighs public comments and addresses administrative matters to advance operational goals and objectives.

These public comments directly set the hearing agendas and greatly inform the Board's recommendations to the Governor and the Legislature. Public participation is thus an essential element to achieving the Board's goals and objectives.

The 122nd Legislature first created the Maine Regulatory Fairness Board in 2005. Until 2011, the RFB was housed within the State Planning Office. The Regulatory Fairness Board was reconstituted under the Office of the Secretary of State within Sec. A-1. 38 MRSA c. 2, sub-c. 1-A (PL Chapter 304): "An Act To Ensure Regulatory Fairness and Reform" (see pertinent section in *Appendix A*). This legislation was approved in a bipartisan vote and signed into law by Governor Paul R. LePage on June 13, 2011. This same legislation also created the Office of the Small Business Advocate ("Special Advocate") within the Office of the Secretary of State.

The Board is chaired by the Secretary of State and is comprised of four members who are or have been owners or operators of Maine businesses. It is staffed by Maine's Small Business Advocate. One member is appointed by the President of the Senate, one member is appointed by the Speaker of the House, and two members are appointed by the Governor, one of whom represents businesses with fewer than 50 employees and another who represents those with fewer than 20 employees. Private sector members of the Board volunteer their time and their unique expertise to serve as liaisons between the State's business community, regulatory authorities, and lawmakers. Board members serve three-year terms and may serve up to three consecutive terms.

Members

Secretary of State Charles E. Summers, Jr. – Chairman

Nash School Building, 103 Sewall St.
148 State House Station
Augusta, Maine 04333-0148
Office: (207) 626-8400
Email: charles.summers@maine.gov

Appointed by Governor Paul R. LePage on December 2, 2011:

Ms. Patricia Kuhl

Owner, PK Associates
22 Tarratine Drive
Brunswick, Maine 04011
Office: (207) 729-2260
Home: (207) 729-5229
E-mail: patk@pkmaine.com

Information about the RFB, including hearing notices, meeting agendas and minutes may be found at:
www.maine.gov/sos/sba/rfb.html

Hon. Douglas Smith (Retired)

P. O. Box 460
Dover-Foxcroft, Maine 04426
Office: (207) 717-3360
Home: (207) 564-8819
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Appointed by Senate President Kevin L. Raye on October 19, 2011:

Michael R. Cote

Owner, Looks Gourmet Food Company
1112 Cutler Road
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Office: (207) 259-3341
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E-mail: mcote@barharborfoods.com

Appointed by House Speaker Robert W. Nutting on October 26, 2011

Mark A. Tyler - Vice Chairman

Owner, Riverside Farm Market and Cafe
291 Fairfield Street
Oakland, Maine 04963
Work: (207) 465-4439
Home: (207) 465-3130
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Staff:

Jay Martin, Small Business Advocate

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Information about the Small Business Advocate may be found at:
www.maine.gov/sos/sba

Regulatory Fairness Board Activity

As the final appointments for the RFB were not completed until December 2011, the RFB did not convene a meeting until January 6, 2012. This meeting was largely organizational in nature.

In summary, after introductions, Secretary of State Charles E. Summers, Jr. reviewed the responsibilities of the Board as outlined in 38 MRSA c. 2, sub-c. 1-A, and provided a brief background of the previous RFB. Assistant Attorney General Phyllis Gardiner reviewed the Board's protocols and procedures as defined in statute. Small Business Advocate Jay Martin provided a brief summary of his office's responsibilities and activities. The Board asked the Small Business Advocate to prepare a fact sheet summarizing the Board's scope, process, and make-up (see *Appendix B*). The Board discussed tasks and agreed to meet on **Friday, February 24 from 1:00 – 3:00 pm** at the Office of the Secretary of State (Nash School) Training Room, 103 Sewall St., Augusta. A news release of this meeting was widely distributed on January 24 and is posted on the RFB website (see *Appendix C*).

Regulatory Fairness Board Goals

The Board has agreed to the following goals for 2012:

1. Hold up to five public hearings, depending upon the availability of Board members.
2. Specifically invite at least one Maine trade association representative to each hearing to make a brief presentation and field questions from the Board.
3. Specifically invite at least one representative from a state agency to each hearing to make a brief presentation and field questions from the Board.
4. Research, review, and consider making recommendations based upon successful regulatory reform initiatives from other states.