

# MAINE STATE LEGISLATURE

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## **2015 Report of the 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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## Executive Summary

The Regulatory Fairness Board (RFB) was first established in 2001 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. The Board received technical assistance from the State Planning Office. In 2011, under the regulatory reform act, known as LD 1 (PL 2011 Chapter 304), the Regulatory Fairness Board was transferred to the Secretary of State's office and the office of the Special Advocate was created to, in part, staff the board (Appendix A.)

The Regulatory Fairness Board, comprised of five members who are or have been owners, operators, or officers of businesses operating throughout the State, hears public comment from Maine businesses concerning interactions between businesses and government agencies, specifically state regulations which seriously impact business. The Board also reviews complaints filed with the Special Advocate's Office and any regulatory impact notices filed by the Secretary of State on behalf of those businesses.

The RFB meets in different regions of the state to hear testimony from business community representatives and holds public meetings in Augusta for administrative and operational purposes and discuss public comments received in writing in between public hearings.

This report summarizes the Board's activities during the year 2015 including information presented to the Board, and its resulting recommendations.

During 2015 the Regulatory Fairness Board held public Portland, in conjunction with the Portland Chamber of Commerce. . The board heard concerns over the process known as "steerage" where insurance companies steer work towards certain repair shops, rather than letting the consumer pick the business to repair their cars after an accident. The businesses can seeking advice on the best process to follow up with their complaints. They were in the beginning stages of forming an association to better address issues facing the car repair industry. The Regulatory Fairness Board offered advice on how best to contact the Bureau of Insurance, and file an official complaint.

The Small Business Advocate worked with over 25 businesses to answer questions, provide information and to intercede with regulatory agencies on their behalf. The work encompasses a wide range of issues and interactions with just about every agency in State government. This report includes a brief sampling of the work of the office and the Regulatory Fairness Board.

The work of the advocate identified the following areas of opportunity for regulatory reform.

**Liquor Licensing:** Current liquor laws do not recognize new business models, and as a result businesses have been seeking statutory changes that allow them to operate. These are done one at a time, and the current regulatory system is a patchwork of exemptions created over time. Each business that has a slightly different business model must come before the legislature to request a statutory change. This process makes little sense to the business or to Liquor Enforcement and it makes the liquor laws difficult to navigate and implement. A complete re-codification of the statute is long overdue and would make the current exemptions more consistent and easier to navigate by businesses.

**Gathering greater feedback from the public.** The Small Business Advocate's webpage includes a simple web-based feedback form. The intent is to make it easier to gather information from businesses that are having regulatory difficulty. The form allows small businesses to identify regulations, rules and statutes that potential create an undo regulatory burden. This form went live in February of 2015.

**Broadband expansion.** The Small Business Advocate helped organize the Maine Broadband Coalition this past year. The Coalition, led by the Advocate, conducts weekly conference calls to keep members informed on policy and regulatory changes and challenges in Maine and nationally to increase access to high speed broadband statewide. The Coalition also played a lead role in passage of three pieces of legislation that address some of the underlying regulatory issues that impact the expansion of broadband. There continues to be a great need, especially in rural Maine to provide adequate access to high speed internet.

## **2015 Report of the Regulatory Fairness Board and the Office of the Special Advocate**

### **Activity of the Regulatory Fairness Board**

The Board is comprised of five members who are or have been 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 two members are appointed by the Governor, one of whom must represent businesses with fewer than 50 employees and one of whom must represent businesses with fewer than 20 employees. Members of the Board volunteer their time and their unique expertise to serve as liaisons between the State's business community, regulatory authorities, and law makers. The Secretary of State is the Chair of the Board. Currently the board has one vacancy, the appointment from the Speaker of the House. A list of members is attached in Appendix B.

The board its public meeting in July at the Portland Chamber of Commerce. During the meeting, members discuss the role and direction of the board, review tasks assigned by the governor and legislature and assesses written comments or complaints that have been received by email from members of the public or the private business community through the office of the Special Advocate.

Publicity for Regulatory Fairness Board public hearings include press releases to statewide and local papers, emails and phone calls to local chamber of commerce, state wide trade organizations, small business counselors, economic development organizations, and other potentially interested groups. The agenda for the hearings is driven by the members of the public and business community that attend. Information collected in meetings and hearings contributes to RFB's direction as the Board plans for future meetings and hearings. Minutes of those meetings are posted on the Secretary of State's website (<http://www.maine.gov/sos/sba/rfb.html>) and attached in Appendix C.

This year the board and the advocate heard concerns over professional licensure, insurance licensing, site review for redevelopment sites through DEP, sales tax collection, and uneven and inadequate expansion of broadband, especially in rural Maine.

### **Activity of the Small Business Advocate January 2015 –December 2015**

The Small Business Advocate worked with over 25 businesses to answer questions, provide information and to intercede with regulatory agencies on their behalf. The Regulatory Fairness Board has held a public meeting Portland. The Annual Report was submitted to the Labor, Commerce and Economic Development Committee on February 1, 2015.

The Small Business Advocate testified or monitored at least eight bills this past legislative session. Successes include restructuring of the ConnectME Authority to require a three year strategic plan, the addition of planning grants and the removal of the "challenge" provision that allowed broadband providers to object to a ConnectME grant in an area where some service was already provided. Additionally, the Broadband Sustainability fee was removed. This fee essentially served as a tax on small internet service providers who used the Three Ring Binder to

expand service in rural parts of Maine. A program to help towns develop and implement gigabyte networks was also enacted, though not funded.

This year the legislature repealed the requirement of a cosmetology license for people who braid hair. This has been a recommendation of the Regulatory Fairness Board, and the Small Business Advocate for the past two years. Senator Ann Haskell sponsored the bill and the Advocate worked with CEI and several women from the immigrant community in Portland to urge its passage. The bill was an emergency measure, and became law without the Governor's signature. Several women are now close to opening up their own businesses in Portland as a result of this law change.

The Small Business Advocate served on an advisory committee with the Office of Financial Regulation to implement the Crowd Funding rules, developed as a result of legislation passed in the 127<sup>th</sup> legislature.

Once again, there were multiple bills dealing with the state's liquor laws, including removing the sunset on a bill that removed some of the requirement on a dual liquor license. This bill was originally submitted as a result of one of the cases the Advocate worked with in 2012.

The Advocate played a pivotal role in the organization of the Maine Broadband Coalition. This coalition brought together small businesses, communities, nonprofit organizations and individuals to advocate for specific pieces of legislation. Additionally, the Advocate hosts a weekly conference call where members from across the state talk about how they are working to expand broadband access in their area. The Coalition ([mainebroadbandcoalition.org](http://mainebroadbandcoalition.org)) worked to develop a specific set of principles and goals for its work. The Advocate attended several meetings and conferences across the state on behalf of the Coalition, and maintains its Facebook and Twitter accounts, as well as blog on the Bangor Daily News. The Advocate, on behalf of the Maine Broadband Coalition, submitted comments on the ConnectME strategic plan.

Maine's Secretary of State hosted the National Association of Secretaries of State Conference in Portland this summer. Over 300 attendees representing Secretary of State Offices from across the country attended. The Small Business Advocate coordinated all the off-site activities for the three day conference, working with small businesses to show case Maine's exceptional location, food and outdoor recreation opportunities.

A sampling of the case work:

### **Judiciary**

A small business contacted the Advocate as a result of a legal case his LLC was involved in. He wished to represent himself, rather than hire a lawyer. The Court system interpreted the law that he was unable to represent another entity, unless he was a lawyer. He maintained that because he and his wife were the owners of the LLC, he could in fact represent that LLC. The law does create an exception for the owners of the LLC, if they are the only owners of the LLC to represent it in court. Since, by the time the small business owner called the Advocate, the judge

had set final appearance dates, the small business owner decided not to continue his Quixotic mission, and to do what the judge was requesting.

### **Maine Revenue Services.**

Five businesses called after receiving closure notices from Maine Revenue Service (MRS) as a result of non-payment of sales taxes. The Advocate contacted MRS who worked out payment plans with all businesses, allowing them to remain open.

The advocate also assisted businesses who called with questions on how to get a retail sales certificate and other tax issues.

### **Maine Department of Transportation**

#### Signage

The issue of the state billboard law comes up frequently in calls to the Advocates office. This year the Advocate dealt with a business who was hosting an “inventory reduction sale” and was advertising it with signs off his immediate presence. MDOT required him to stop any off premise sign to advertise the sale. The Advocate reached out to MDOT, the Attorney General, the local chamber of commerce to attempt to get a re-interpretation of the current law. In the end, the Advocate suggested the business work with members of the Transportation Committee to see if the law could be changed with future legislative action.

A cattle farm near the coast also was required to remove their signs from a field where they summer their herd. The advocate was able to get the farmer just to be able to cover his sign during the winter months, rather than remove it. When he moves his cattle back to that field in the summer, MDOT will allow him to uncover the sign advertising his farm.

### **Department of Marine Resources**

#### Lobster Licensing and new fee for Lobster Retail sales.

A business in a remote rural part of the state called to complain about the lobster licensing. The issues the business brought forward included the restrictions on new admissions into the lobster licensing, and the new fee placed on businesses who sell lobster at retail. His business sold very few lobsters, and the new fee made it difficult for him to make any money at selling lobsters. The result of not selling any lobsters was visitors and others had to travel over 20 miles to get lobsters, rather than purchase them at his small store. While he understood the complexity of the lobster licensing issue, and the purpose for the new fee, he felt it was important to understand the impact that fee had on his small retail business.

### **Secretary of State**

#### Bureau of Motor Vehicles:



Department of Economic and Community Development referred several businesses who had problems with the Bureau of Motor Vehicles. One client was unable to obtain his Commercial Driver's License because he had not yet obtained a Permanent Residence Card.

Another business believed he did not need a "for hire" license because he billed the company he was transporting for, and did not take cash. The Advocate informed him that the law specifically stated "for compensation", which did include invoices that were paid at a later date.

#### Corporations, Elections and Commissions:

The Advocate also answers daily calls on the various permutations on how to register as a corporate entity in Maine and reviews weekly posting of rules for potential impact on small businesses.

#### **Lack of access to high speed broadband**

The Advocate received a number of calls from small businesses who are unable to get access to broadband. Some of these companies had no access, others were not able to obtain a connection at the speed they felt their business needed. The third category was small businesses that could get access to the internet connection speed they needed, but the cost was prohibitive. These companies were from across the state, from Portland to Trescott to Bridgewater and into the Western Mountains.

#### **Legislation:**

LD 465 An Act To Eliminate the Broadband Sustainability Fee – enacted. This bill eliminated the broadband sustainability fee. It required requires that all funds in the broadband sustainability fund be used to support broadband service in unserved or underserved areas. The Broadband Sustainability fee was considered by many of the small Maine based internet service providers (ISP) a tax that went to support incumbent providers of broadband at the expense of competition. One small ISP is suing the ConnectME Authority over the constitutionality of this fee and has refused to pay it. That case is pending before the courts.

LD 1185 An Act To Establish the Municipal Gigabit Broadband Network Access Fund - enacted. This bill created a fund within the ConnectME Authority to expand Gigabit networks for municipalities. It included a planning fund as well as an implementation fund. While the language is law, the legislature did not provide any funding at this time for implementation.

LD 912 An Act To Allow the Establishment of Regional Municipal Utility Districts To Support Broadband Communications – enacted. This bill allows two or more towns to set up a utility district, similar to water and sewer districts, to support the expansion of broadband.

LD 1063 An Act To Promote Community Broadband Planning and Strengthen Economic Opportunity throughout Maine – enacted. This bill restructured programs offered by the ConnectME Authority to include planning grants, require a three year strategic plan, set criteria for “pre-certified communities,” and expand who was eligible to apply for ConnectME grants to include regional and economic development organizations.

LD 847 An Act To Permit Hair Braiding without a Barbering or Cosmetology License – enacted. This bill, a recommendation of the Regulatory Fairness Board, removed any licensure requirement for small business who are engaged in hair braiding.

LD 1131 An Act To Create a Domestic Division within the Maine International Trade Center. This bill would have created a division within the Maine International Trade Center to help small businesses develop and expand a regional and national market – similar to the work the Maine International Trade Center does with international trade. The Committee directed MITC to look into the feasibility and cost of such an effort and how it would be structured if implemented. The bill was voted ONTP.

LD 102 - An Act To Strengthen the Craft Beer Industry. This bill expanded on a statutory change in the law to up to eight brewers to use one brewing facility. This allows small craft beer businesses to use extra existing capacity of a brewer without a major capital investment of their own. The bill helped Shipyard undertake a \$4 million expansion, giving a boost to this high growth industry.

### **Presentations and meetings:**

The Advocate attended, participated or met with the following: Kennebec Leadership Institute, Envision Maine, Maine International Trade Center, Aroostook Farm Bureau, Slow Money Maine, CEI, Smart GrowthMaine, Northeast Telehealth Resource Center, Senator Angus King forum on Telehealth, Next Century Cities Conference, Maine Aquaculture Conference, Women Work and Community, Finance Authority of Maine, Maine Technology Institute, United States’ Small Business Administration, Maine Agricultural Trade Show, Women Business Development Commission monthly networking meetings.

## **Appendix A: Public Law Chapter 304 (applicable section)**

### **PART D**

**Sec. D-1. 5 MRSA §57**, as amended by PL 2007, c. 676, §1, is repealed.

**Sec. D-2. 5 MRSA c. 5, sub-c. 2** is enacted to read:

#### **SUBCHAPTER 2**

#### **SPECIAL ADVOCATE**

##### **§ 90-N. Bureau established**

The Bureau of the Special Advocate, referred to in this subchapter as "the bureau," is established within the Department of the Secretary of State to assist in resolving regulatory enforcement actions affecting small businesses that, if taken, are likely to result in significant economic hardship and to advocate for small business interests in other regulatory matters.

##### **§ 90-O. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Agency.** "Agency" has the same meaning as set out in section 8002, subsection 2.

**2. Agency enforcement action.** "Agency enforcement action" means an enforcement action initiated by an agency against a small business.

**3. Complaint.** "Complaint" means a request to the special advocate for assistance under section 90-Q.

**4. Regulatory impact notice.** "Regulatory impact notice" means a written notice from the Secretary of State to the Governor as provided in section 90-S.

**5. Significant economic hardship.** "Significant economic hardship" means a hardship created for a small business by a monetary penalty or license suspension or revocation imposed by an agency enforcement action that appears likely to result in the:

- A. Temporary or permanent closure of the small business; or
- B. Termination of employees of the small business.

**6. Small business.** "Small business" means a business having 50 or fewer employees in the State.

**7. Special advocate.** "Special advocate" means the person appointed pursuant to section 90-P.

##### **§ 90-P. Special advocate; appointment and qualifications**

The Secretary of State shall appoint a special advocate to carry out the purposes of this subchapter. The special advocate shall serve at the pleasure of the Secretary of State.

#### **§ 90-Q. Small business requests for assistance**

A small business may file a complaint requesting the assistance of the special advocate in any agency enforcement action initiated against that small business. The special advocate may provide assistance to the small business in accordance with section 90-R, subsection 2. The special advocate shall encourage small businesses to request the assistance of the special advocate as early in the regulatory proceeding as possible. Before providing any assistance, the special advocate shall provide a written disclaimer to the small business stating that the special advocate is not acting as an attorney representing the small business, that no attorney-client relationship is established and that no attorney-client privilege can be asserted by the small business as a result of the assistance provided by the special advocate under this subchapter.

#### **§ 90-R. Powers and duties of the special advocate**

**1. General advocacy.** The special advocate may advocate generally on behalf of small business interests by commenting on rules proposed under chapter 375, testifying on legislation affecting the interests of small businesses, consulting with agencies having enforcement authority over business matters and promoting the services provided by the special advocate.

**2. Advocate on behalf of an aggrieved small business.** Upon receipt of a complaint requesting assistance under section 90-Q, the special advocate may:

- A. Consult with the small business that filed the complaint and with the staff in the agency that initiated the agency enforcement action to determine the facts of the case;
- B. After reviewing the complaint and discussing the complaint with the small business and the agency that initiated the agency enforcement action, determine whether, in the opinion of the special advocate, the complaint arises from an agency enforcement action that is likely to result in a significant economic hardship to the small business;
- C. If the special advocate determines that an agency enforcement action is likely to result in a significant economic hardship to the small business, seek to resolve the complaint through consultation with the agency that initiated the agency enforcement action and the small business and participation in related regulatory proceedings in a manner allowed by applicable laws; and
- D. If the special advocate determines that an agency enforcement action applies statutes or rules in a manner that is likely to result in a significant economic hardship to the small business, when an alternative means of effective enforcement is possible, recommend to the Secretary of State that the secretary issue a regulatory impact notice to the Governor.

#### **§ 90-S. Regulatory impact notice**

At the recommendation of the special advocate, the Secretary of State may issue a regulatory impact notice to the Governor informing the Governor that an agency has initiated an

agency enforcement action that is likely to result in significant economic hardship to a small business, when an alternative means of enforcement was possible, and asking that the Governor take action, as appropriate and in a manner consistent with all applicable laws, to address the small business issues raised by that agency enforcement action. The regulatory impact notice may include, but is not limited to, a description of the role of the special advocate in attempting to resolve the issue with the agency, a description of how the agency enforcement action will affect the interests of the small business and a description of how an alternative enforcement action, when permitted by law, would relieve the small business of the significant economic hardship expected to result from the agency enforcement action. The Secretary of State shall provide a copy of the regulatory impact notice to the agency that initiated the agency enforcement action, the small business that made the complaint and the joint standing committee of the Legislature having jurisdiction over the agency.

### **§ 90-T. Regulatory Fairness Board**

The Regulatory Fairness Board, referred to in this section as "the board," is established within the Department of the Secretary of State 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.

**1. Membership.** The board consists of the Secretary of State, who shall serve as the chair of the board and 4 public members who are owners, operators or officers of businesses operating in different regions of the State, appointed as follows:

- A. One public member appointed by the President of the Senate;
- B. One public member appointed by the Speaker of the House;
- C. Two public members appointed by the Governor, one of whom represents a business with fewer than 50 employees and one of whom represents a business with fewer than 20 employees.

The Secretary of State shall inform the joint standing committee of the Legislature having jurisdiction over business matters in writing upon the appointment of each member. Except for the Secretary of State, an officer or employee of State Government may not be a member of the board.

**2. Terms of appointment.** Each member appointed to the board must be appointed to serve a 3-year term. A member may not be appointed for more than 3 consecutive terms.

**3. Quorum.** A quorum for the purpose of conducting the board's business consists of 3 appointed members of the board.

**4. Duties of board.** The board shall:

- A. Meet at least 3 times a year to review complaints submitted to the special advocate;

B. Review the status of complaints filed with the special advocate and regulatory impact notices issued by the Secretary of State; and

C. Report annually by February 1st to the Governor and the joint standing committee of the Legislature having jurisdiction over business matters on actions taken by the special advocate and the Secretary of State to resolve complaints concerning agency enforcement actions against small businesses. The report may also include recommendations for statutory changes that will bring more clarity, consistency and transparency in rules affecting the small business community.

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

**6. Staff.** The special advocate shall staff the board.

**Sec. D-3. 5 MRSA §12004-I, sub-§2-G,** as enacted by PL 2007, c. 676, §2, is amended to read:

**2-G.**

**Sec. D-4. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 5, chapter 5, before section 81, the headnote "subchapter 1, general provisions" is enacted and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. D-5. Transition provisions; Regulatory Fairness Board.** The terms of members appointed to the Maine Regulatory Fairness Board under the former Maine Revised Statutes, Title 5, section 57 are terminated on the effective date of this Act. Notwithstanding Title 5, section 90-T, subsection 2, the initial terms of members appointed to the Regulatory fairness Board must be staggered as follows:

1. The member appointed by the President of the Senate shall serve an initial term of 2 years;
2. The member appointed by the Speaker of the House shall serve an initial term of 2 years;
3. The first member appointed by the Governor shall serve an initial term of one year; and
4. The 2nd member appointed by the Governor shall serve an initial term of 3 years.

## Appendix B: 2014 Regulatory Fairness Board Members

### **Secretary of State Matthew Dunlap – Chairman**

Nash School Building, 103 Sewall St.  
148 State House Station  
Augusta, Maine 04333-0148  
Office: 207.626.8400  
Email: matthew.dunlap@maine.gov

### Appointed by Governor Paul R. LePage:

#### **Ms. Patricia Kuhl**

Owner, PK Associates  
22 Tarratine Drive  
Brunswick, Maine 04011  
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Information about the Board, including biographies, may be found at:  
[www.maine.gov/sos/sba/rfb.html](http://www.maine.gov/sos/sba/rfb.html)

### **Vacant**

### Appointed by Senate President Justin Alford:

#### **Hon. David Brenerman**

32 Overset Road  
Portland ME 04103  
Office: 207.807.4053 Home 207.797.9298  
Email: david@brenermanconsulting.com

### Appointed by House Speaker Mark Eves:

#### **Stephen Rich**

374 Hudson Road  
Glenburn Maine 04401  
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### Staff:

#### **Peggy Schaffer, Small Business Advocate**

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Information about the Small Business Advocate may be found at: [www.maine.gov/sos/sba](http://www.maine.gov/sos/sba)

## **Appendix C: Minutes of the Regulatory Fairness Board Meetings**

Regulatory Fairness Board Meeting July 14, 2015. Portland Chamber of Commerce.

In attendance:

For the Board: Matt Dunlap, Secretary of State, Stephen Rich, Pat Kuhn, David Brenerman. One vacancy (Governor's appointment.)

Public members:

Sen. Breen, Jane Eblerle, Bernadette Papi - Acme Body Shop, Jim Caron - Acme Body Shop, President Maine Autobody Association, Kathleen Keneborus - Maine Bankers Association, Chris Hall - Portland area Chamber of Commerce, Joseph Pickering, Portland Chamber of Commerce.

The meeting opened with introductions and a brief overview of the purpose of the Regulatory Fairness Board by Chair, Matt Dunlap.

Jim Caron and Bernadette Papi brought forward the concern of insurance company "steering" which is the practice of steering work toward their "direct repair" body shops, where they have a contract for both labor and parts. Maine State Law prohibits steering, but it is very difficult to file a complaint as most of the time the customer just wants to get their car fixed and is not interested in a long protracted process of filing a complaint with the Bureau of Insurance. Maine is one of 35 states that has an anti-steering law on the books, but there is no teeth to the law.

Currently large insurance companies are using call centers with a script that encourages callers to use the auto repair shop the insurance company has a "direct repair" contract with. Often the call centers tell people their car will take longer to repair, and will not be guaranteed if they do not use one of the direct repair shops. Jim and Bernadette provided several examples of "steering" from Acme customers. The board asked clarifying questions about costs and speed and what kind of parts were used.

Members of the board had several suggestions for the newly formed association. 1) Make an appointment to see Eric Cioppa, who is the superintendent of Insurance, 2) get clear and specific examples of possible steering violations, 3) Urge the newly formed association to do an outreach to the public so they can be informed that where they get their body work done is their choice, not the insurance company's choice. 4) Look to best practices in other states - what is working and why. Is it statutory or other regulatory structures that prevent this from happening in other states? They have done some of this research, which will help in presenting their case to the legislature if changes in the law are needed. Secretary Dunlap also offered to meet with the group in the future to continue discussions on next steps.

The Small Business advocate gave an update on legislative and other work done this year. The biggest success was the bill to deregulate hair braiding. The advocate worked with CEI's smart start program, Anne Head, Commissioner of Professional and Finance Regulation, and Sen. Ann Haskell to change statute to require no licensure for hair braiding. The bill was passed as an emergency measure and went into effect June 1<sup>st</sup>.

Other bills the advocate tracked included issues around liquor licensing, wine and beer tasting, and dual liquor licenses. The advocate has also been very active in the Maine Broadband Coalition. This newly



formed organization is bringing together communities, health care, ISP, small businesses and individuals to push for greater access to high speed broadband state wide. Three key pieces of legislation were the focus of the coalition this spring , LD 465 which removed the broadband sustainability fee, LD 1063 which made much needed changes to the ConnectME Authorities statute, and LD 1185 which set up a municipal gigabyte fund to provide funding for municipal broadband. There was no funding attached to the bill, but the structure is in place for funding from any number of sources. The Small Business Advocate will continue to play a leading role in the Maine Broadband Coalition this summer as it begins to do outreach to communities and businesses to get them engaged in pushing for high speed broadband state wide.

Bob Berry of Main-land Development Consulting wrote the Advocate about possible changes in DEP rules or statute to allow for the recognition of “manmade” areas to not be considered as a “nature resource” for the purposes of development. The Advocate spoke to Sen. Savellio who has served on the Natural Resources Committee for several years. The issue at hand was the moving of a dinning hall at a private camp in Mt. Vernon away from the water, where it has been since 1930. Sen. Savellio believes that this particular issue has been resolved successfully. He also thinks there might be some room to look at projects that are actually improving the environment (by moving a building further from the water for example.) He did caution that these ideas have been brought forward before and have been soundly defeated in the legislature. Mr. Berry was interested to know whether the Board might be willing to start a petition for rulemaking for implement some of his suggested changes. However, since the changes would require a statutory change, the board declined at this time to take action.

The meeting was adjourned at 1:15 p.m.