

MAINE STATE LEGISLATURE

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REPRESENTATIVE JONATHAN B. MCKANE
HOUSE CHAIR



SENATOR JONATHAN T.E. COURTNEY
SENATE CHAIR

125th Maine State Legislature

Joint Select Committee on Regulatory Fairness and Reform

March 7, 2011

To: Senator Rodney L. Whitemore, Senate Chair
Representative Wesley E. Richardson, House Chair
Joint Standing Committee on Insurance and Financial Services

From: Senator Jonathan T.E. Courtney, Senate Chair *J. Courtney*
Representative Jonathan B. McKane, House Chair *J. McKane*
Joint Select Committee on Regulatory Fairness and Reform

Re: Recommendations for regulatory reform

During late January and early February, our committee held seven off-site listening sessions around the state and a public hearing in Augusta on LD 1, *An Act to Ensure Regulatory Fairness and Reform*. During those 31 hours of hearings, the committee received oral testimony from at least 350 individuals, and received more than 250 pieces of written testimony, often in lieu of oral testimony, on ways to reform the state's regulatory process. This process resulted in more than 300 recommendations on regulatory reform, including a number of recommendations from Governor LePage.

To ensure that these recommendations get a fair hearing by the Legislature, we compared the recommendations we received to a list of bills expected this session and have voted to refer some recommendations to the appropriate policy committees, particularly those recommendations that relate to bills anticipated to be referred to the various committees this session.

With respect to recommendations within the jurisdiction of your committee, we are referring for your committee's consideration recommendations to make Maine's truth in lending laws conform to the new federal law, to repeal the laws that require permission from an original creditor before a debt collection company can sell that account to another debt collection company and to conform the lead paint disclosure requirements applicable to real estate brokers to federal standards. A list of the recommendations we received on these issues is attached.

We are asking that you consider these recommendations in the context of related bills being heard and worked in your committee this session, and to incorporate solutions to these issues in those bills as you deem appropriate.

Please contact our Committee Clerk, Darlene Simoneau, if you would like to review any written testimony we received on these issues. We also ask that you notify us in writing of actions taken on these recommendations by your committee sometime prior to May 1, 2011.

Thank you for your help in ensuring that all these recommendations receive consideration by the Legislature.

Please feel free to contact either of us if you have questions.

Attachment

cc: Members, Regulatory Fairness and Reform Committee
Members, Joint Standing Committee on Insurance and Financial Services
Colleen McCarthy Reid, OPLA Legislative Analyst
Darlene Simoneau, RFR Committee Clerk

Recommendations received by the Regulatory Fairness and Reform Committee referred to the
Insurance and Financial Services Committee

| | |
|--|-------------------|
| <p>Truth in lending. Make Maine's truth in lending laws conform to the new federal law.</p> <p>Consumer credit protection. Repeal the laws that require permission from an original creditor before a debt collection company can sell that account to another debt collection company.</p> | <p><u>IFS</u></p> |
| <p>Real estate brokers.</p> <ul style="list-style-type: none">○ State standards for disclosure of lead based paint are identical to federal standards and should be repealed.○ More public education about the lead paint regulations is needed.○ Lead paint disclosure form should be reduced from 3 pages to 1 page, as in Massachusetts. | <p><u>IFS</u></p> |

Broad area listing of RFR decisions on referring various recommendations to various policy committees

Referred to

Agriculture, Conservation and Forestry

- Board of Pesticides Control; structure and function
- Dog licenses/rabies certificates
- Agricultural cost of production research

Environment and Natural Resources

- Permitting timetables for multiple permits (Gov)
- Beneficial reuse of hazardous and solid wastes (Gov)
- Reduce Site Law application processing times (Gov)
- Third party inspectors in Site Law/NRPA (Gov)
- Municipal subdivision review (Gov)
- Extend Site Law manufacturing exemption (Gov)
- Align Site Law with NRPA (Gov)
- Minor project permitting (Gov)
- Subdivided lots (Gov)
- Vernal pools/wetlands and wading bird habitat
- Wetlands compensation
- Enforcement/Education resources
- Permitting standards/science
- Air; emission standards, RVP, general permits, BACT
- Water quality; reserves, corrective actions
- Storm water, conformity to federal standards
- Shoreland zoning; volume limits, overlap with SLODA and NRPA
- Kid-safe products/toxics

Referred to

- SO₂ content in residual fuel oil
- Waste management/ recycling/ Superfund
- Nesting shorebird habitat
- Site law; exemptions, conformity with NRPA
- Culverts/stream crossings
- Underground/above-ground storage tank regulation
- Environmental regulations in general
- NPDES; fund or repeal
- On-going regulatory coordination
- Drinking water/proximity to oil storage tanks
- Snow dumping in salt water

Energy, Utilities and Technology

- Direct access to generation
- Electricity prices; small business pricing, renewable power

Health and Human Services

- Maine Health Data Organization
- Septic systems, new system requirements, single statewide standard
- Medicaid incentives

Insurance and Financial Services

- Truth in lending; conformity with federal law
- Consumer credit protection; debt collection limitations
- Real estate brokers; lead paint disclosures

Referred to

Inland Fisheries and Wildlife

- Expand family fishing licenses

Judiciary

- Statute of limitations (Gov)
- Human Rights Commission
- Employment law; conformity to federal law

Labor, Commerce, Research and Development

- Building codes (MUBEC)
- Interstate reciprocity in professional licensing
- Pharmacy student licenses/ notifications to state
- Boiler inspection for schools and municipal buildings
- OSHA; good faith compliance
- Dental hygienists/Dentists
- Gift cards escheat
- Affordable housing
- Seasonal labor; agricultural standards for hire
- Wage rates/liveable wages/overtime
- Unemployment compensation; successor liability; exemptions
- Migrant labor/method of determining
- Family Medical Leave Act; conformity to federal law
- Sexual harassment notice
- Labor bonding; penalties
- Worker misclassification

Broad area listing of RFR decisions on referring various recommendations to various policy committees

Referred to

Marine Resources

- Regional management of fisheries

Regulatory Fairness and Reform

- Tourism/environment relationship
- Scale of development
- Business development assistance
- Comprehensive plans; consistency with state goals
- Research and development funding
- Job Impact Analysis (Gov)
- Fiscal impact (Gov)
- Regulatory impact analysis (Gov)
- Small business ombudsman (Gov)
- Judicial review standards (Gov)
- DEP/BEP (Gov)
- Nullification of final permits (Gov)
- Sound science and clarity (Gov)
- Issuance of NOV (Gov)
- Environmental audit (Gov)
- Construction in Sand dunes (Gov)
- Duplication of environmental laws and rules; agency review
- Food safety laws; GAP and home kitchen licensing
- Agricultural lands/access roads
- Farms/farm stands; incentives, competition with schools
- Consolidated business licensing
- Ombudsman
- Business climate, clarity and consistency in rules
- Purchasing from local suppliers
- Lodging licenses, consolidation
- Composting

Referred to

- DHHS MAAP rules for community agencies
- Health inspections; eliminate duplication
- Expand childcare opportunities
- IFW Significant wildlife habitat review
- Federal v state standards (generally)
- State versus local administration
- Intrastate cooperation
- LURC; structure and function
- Clam flat testing
- Lobster harvesting licenses
- APA process (generally)
- Role of the Secretary of State
- Administrative law judge
- Sunset provisions for all rules
- PUC/PA; effectiveness of PUC
- Telecommunications

State and Local Government

- Repeal Informed growth Act (LD 322 heard in SLG on 2/23)

Taxation

- Reduce fuel tax for commercial fishing vessels

Transportation

- State/local cooperation on roads; benefits, incentives
- Road repairs; increase gas tax to fund road repairs
- DOT gravel purchases from unlicensed gravel pits

Referred to

- Vehicle inspections; trucks and automobiles
- Speed limits on local roads

Veterans and Legal Affairs

- Restaurants; definition of full course meal
- Landlord/tenant issues (bedbugs, radon testing and notification, eviction, abandoned property, energy efficiency disclosures, etc)