

## CHAPTER 381

### MAINE SMALL BUSINESS COMMISSION

#### §13031. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

**1. Administrative unit.** "Administrative unit" means the organization certified by the federal Small Business Administration to administer the Small Business Development Center Program in this State.

[PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

**2. Commission.** "Commission" means the Maine Small Business and Entrepreneurship Commission.

[PL 2003, c. 681, §3 (AMD).]

**3. Commissioner.** "Commissioner" means the Commissioner of Economic and Community Development or the commissioner's designee.

[PL 1995, c. 688, §6 (AMD).]

**4. Department.** "Department" means the Department of Economic and Community Development.

[PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

**5. Small Business Development Center Program.** "Small Business Development Center Program" means the program established by Public Law 96-302, Title II, 15 United States Code, Sections 636 and 648, the Small Business Development Center Act of 1980.

[PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

#### SECTION HISTORY

PL 1989, c. 875, §§L2,4 (NEW). PL 1995, c. 688, §6 (AMD). PL 2003, c. 681, §3 (AMD).

#### §13032. Maine Small Business and Entrepreneurship Commission established

The Maine Small Business and Entrepreneurship Commission is established as an independent commission within the department to evaluate and coordinate small business and entrepreneurial programs, contract with the administrative unit and exercise other powers and responsibilities as provided in this chapter. [PL 2003, c. 681, §4 (AMD).]

#### SECTION HISTORY

PL 1989, c. 875, §§L2,4 (NEW). PL 2001, c. 142, §1 (AMD). PL 2003, c. 681, §4 (AMD).

#### §13033. Membership

The commission consists of 9 members: the Chief Executive Officer of the Finance Authority of Maine or the chief executive officer's designee; the Commissioner of Economic and Community Development or the commissioner's designee; the House and Senate chairs of the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters, who are ex officio, nonvoting members; the chair of the Small Business Development Centers Advisory Council; and a designee from the administrative unit and 3 public members with expertise and knowledge in small business and entrepreneurship, appointed by the commissioner. [PL 2007, c. 585, §1 (AMD).]

#### SECTION HISTORY

PL 1989, c. 875, §§2,4 (NEW). PL 2001, c. 142, §2 (AMD). PL 2003, c. 681, §5 (AMD). PL 2005, c. 425, §3 (AMD). PL 2007, c. 585, §1 (AMD).

### §13033-A. Terms of membership

Beginning January 1, 2009, the 3 public members appointed to the commission pursuant to section 13033 are appointed for staggered terms of 3 years. The commissioner shall appoint public members to vacancies on the commission as they occur or upon expiration of terms. Any vacancy must be filled for the unexpired portion of the term in which the vacancy occurs. [PL 2007, c. 585, §2 (NEW).]

#### SECTION HISTORY

PL 2007, c. 585, §2 (NEW).

### §13034. Powers of commission

The commission has the power to: [PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

**1. Negotiate and approve contract.** Negotiate, approve and enforce the contract with the administrative unit by which state funds are provided by the administrative unit to the small business development centers throughout the State. Approval of the contract requires the approval of at least 4 members of the commission; [PL 2001, c. 142, §3 (AMD).]

**2. Evaluate small business programs.** Evaluate and make recommendations to coordinate small business and entrepreneurial programs statewide, including those administered or overseen by the department; [PL 2001, c. 142, §3 (AMD).]

**3. Issue reports and recommendations.** Issue reports and recommendations to the commissioner, the Governor and the Legislature in regard to programs that support or promote small business assistance and entrepreneurship. Beginning January 15, 2009, the commission shall provide an annual report, by January 15th of each year, to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters that includes the commission's proposed quarterly meeting schedule for the year, as well as a summary of the Small Business Development Center Program's activities in the State that focuses on its collaborative efforts with other economic development programs in the State; and [PL 2007, c. 585, §3 (AMD).]

**4. Hire professional staff.** Hire professional staff who are not subject to the Civil Service Law and who serve at the pleasure of the commission.

A. Funding of professional staff must be provided by the department from resources made available to the Office of Business Development for personal services. [PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

B. The department shall provide clerical support as required by the commission. [PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]  
[PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

#### SECTION HISTORY

PL 1989, c. 875, §§2,4 (NEW). PL 2001, c. 142, §3 (AMD). PL 2007, c. 585, §3 (AMD).

### §13035. Duties of commission

The commission is responsible for overseeing the Small Business Development Center Program, enforcing the contract between the department and the administrative unit, providing funds to the program, and advising the commissioner on strengthening the support infrastructure for

entrepreneurship in the State. The commission has the following duties. [PL 2001, c. 142, §4 (AMD).]

**1. Contract with the administrative unit.** The commission shall contract with the administrative unit for the purpose of providing direct business counseling, technical assistance, training and other services to small businesses. The contract must be completed and approved by the commission prior to July 1st of each year.

A. For fiscal year 1990-91 only, the contract may be approved no later than July 15, 1990. [PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

B. If the administrative unit fails to sign a reasonable contract that meets the approval of a majority of the commission members, funding to the administrative unit continues at 85% of the funding level of the previous year on a month-by-month basis until a contract is signed. [PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

[PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

**2. Review, evaluate and make recommendations to coordinate programs.** The commission shall review, evaluate and make recommendations to coordinate small business assistance and entrepreneurial programs statewide. The commission shall issue a report that meets the standards defined in section 13058, subsection 5. The commission shall advise the commissioner to help develop and implement statewide strategies and policies as they relate to encouraging economic development by developing and growing entrepreneurial businesses around the State. [PL 2001, c. 142, §5 (AMD).]

**3. Advise and make recommendations.** The commission shall advise the commissioner, the Governor and the Legislature with respect to the results of its evaluation of small business and entrepreneurial programs and its oversight and enforcement of the contract with the administrative unit. [PL 2001, c. 142, §5 (AMD).]

#### SECTION HISTORY

PL 1989, c. 875, §§L2,4 (NEW). PL 2001, c. 142, §§4,5 (AMD).

#### §13036. Contract with administrative unit

The commission shall contract with the administrative unit to provide services as described in this chapter. [PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

**1. Contract provisions.** The contract must contain the policies and procedures for the implementation and oversight of the Small Business Development Center Program. The contract must include, but is not limited to:

A. The percentage of state funds to be allocated to the small business development center subcenters; [PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

B. The percentage of state funds to be allocated for administrative purposes; [PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

C. The percentage of state funds to be allocated for statewide services; [PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

D. The percentage of state funds to be allocated for small business research; [PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

E. Evaluation and reporting requirements for the subcenters and the administrative unit; and [PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

F. Any other provisions necessary for the implementation of this chapter. [PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

[PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

**2. Annual plan.** The commission shall require the administrative unit to develop an annual plan. This plan must include, but is not limited to:

A. The types of services to be provided by the Small Business Development Center Program; [PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

B. The means by which services will be delivered; [PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

C. Special services to be provided and the reasons these services are needed; [PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

D. The location and identity of the organizations providing the regional services; and [PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

E. Any other information considered by the commission to be necessary and pertinent to the mission of the program. [PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

[PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

**3. Evaluation and reporting requirements.** The commission shall establish evaluation and reporting requirements for the subcenter and the administrative unit. These requirements, at a minimum, must include:

A. The types, numbers and profiles of businesses served statewide and by each subcenter; [PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

B. The types and numbers of training programs offered through statewide services and by each subcenter; [PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

C. An evaluation of the programs and services including the criteria by which the evaluations are made; and [PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

D. Any other requirements the commission considers necessary to effectively evaluate the Small Business Development Center Program. [PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

[PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

#### SECTION HISTORY

PL 1989, c. 875, §§2,4 (NEW).

#### §13037. Funding

The commission shall provide the funds to the administrative unit in an expeditious manner. The administrative unit is responsible for providing the funds to eligible business development centers for the purpose of providing direct business counseling, technical assistance, training and other services to small businesses in accordance with the contract pursuant to this chapter. [PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

#### SECTION HISTORY

PL 1989, c. 875, §§2,4 (NEW).

#### §13038. Contracts with subcenters

The administrative unit shall contract with each small business development center designated by the administrative unit within 90 days following the completion of the administrative unit contract with the commission. In completing and approving the annual contract for each small business development center, the administrative unit must involve all center directors. [PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

#### SECTION HISTORY

PL 1989, c. 875, §§2,4 (NEW).

**§13039. Committee review**

The joint standing committee of the Legislature having jurisdiction over economic development matters shall review the administration and operation of this chapter and report its findings and recommendations to the Legislature no later than January 2, 1992. [PL 1989, c. 875, Pt. L, §§2, 4 (NEW).]

**SECTION HISTORY**

PL 1989, c. 875, §§2,4 (NEW).

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