



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1472

S.P. 452

In Senate, April 2, 2019

An Act To Create a Commission To Establish a State Bank

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MIRAMANT of Knox.
Cosponsored by Representative ACKLEY of Monmouth and
Senators: BELLOWS of Kennebec, CHENETTE of York, CHIPMAN of Cumberland,
Representatives: BLUME of York, EVANGELOS of Friendship, KESSLER of South Portland,
PEBWORTH of Blue Hill, RISEMAN of Harrison.

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

2 **Sec. 1. 5 MRSA §12004-F, sub-§19** is enacted to read:

3 **19.**

4 State Bank and Tax Reduction
5 Commission

Legislative Per Diem
and Expenses for
Legislators/Expenses
Only for Other
Members

9-B MRSA §1251

9 **Sec. 2. 9-B MRSA c. 125** is enacted to read:

10 **CHAPTER 125**

11 **STATE BANK AND TAX REDUCTION ACT**

12 **§1251. Commission establishment**

13 The State Bank and Tax Reduction Commission, as established in Title 5, section
14 12004-F, subsection 19 and referred to in this chapter as "the commission," is established
15 to provide a mechanism for Legislators, business persons and other interested persons to
16 voice concerns and to make recommendations and suggest legislation for a legal and
17 organizational framework for the establishment and oversight of a state-owned bank and
18 tax rate reduction policy. The commission shall determine a name for the institution,
19 staffing requirements and start-up requirements and shall, based on revenue projections,
20 establish a location for offices.

21 **1. Membership.** The commission consists of the following members:

22 A. Twelve appointed voting members, as follows:

23 (1) Three Senators representing at least 2 political parties, appointed by the
24 President of the Senate;

25 (2) Three members of the House of Representatives representing at least 2
26 political parties, appointed by the Speaker of the House; and

27 (3) Six members appointed by the Governor and representing to the extent
28 possible organized interest groups, local resource-based industries and all
29 geographic areas of the State as follows:

30 (a) Small businesses;

31 (b) Small farms;

32 (c) Organizations assisting business formation;

33 (d) Banks based in the State;

34 (e) Credit unions based in the State; and

35 (f) An organization that advocates for organic farmers;

1 B. Two voting ex officio members, or their designees, as follows:

2 (1) The Treasurer of State; and

3 (2) The Attorney General; and

4 C. Eleven nonvoting members representing the following state agencies and
5 appointed by the commissioner or executive director of each agency:

6 (1) The Department of Agriculture, Conservation and Forestry;

7 (2) The Department of Labor;

8 (3) The Department of Economic and Community Development;

9 (4) The Office of the State Auditor;

10 (5) The Department of Administrative and Financial Services, Bureau of the
11 Budget;

12 (6) The Department of Administrative and Financial Services, Maine Revenue
13 Services;

14 (7) The Department of Professional and Financial Regulation, Bureau of
15 Consumer Credit Protection;

16 (8) The Department of Professional and Financial Regulation, Bureau of
17 Financial Institutions;

18 (9) The Maine Technology Institute;

19 (10) The Maine State Housing Authority; and

20 (11) The Finance Authority of Maine.

21 Each county in the State must be represented on the commission.

22 **2. Terms; vacancies; limits.** Members appointed under subsection 1, paragraph A,
23 subparagraphs (1) and (2) and subsection 1, paragraph B serve terms coincident with
24 elective office. All other members are appointed for 3-year terms. Vacancies must be
25 filled by the same appointing authority that made the original appointment. Appointed
26 members may not serve more than 5 terms. Members may continue to serve until
27 replacements are designated. A member may designate an alternate that serves
28 temporarily in the absence of the member.

29 **3. Chair; officers; rules.** The first-named Senate member and the first-named
30 House of Representatives member are cochair of the commission. The commission shall
31 appoint other officers as necessary and make rules for orderly procedure.

32 **4. Compensation.** Legislators who are members of the commission are entitled to
33 receive the legislative per diem and expenses as defined in Title 3, section 2 for their
34 attendance to their duties under this chapter. Other members are entitled to receive
35 reimbursement of necessary expenses if they are not otherwise reimbursed by their
36 employers or others whom they represent.

1 **5. Staff.** The Legislature, through the commission, shall contract for staff support
2 for the commission, which, to the extent funding permits, must be year-round staff
3 support. In the event funding does not permit adequate staff support, the commission
4 may request staff support from the Legislative Council, except that Legislative Council
5 staff support is not authorized when the Legislature is in regular or special session.

6 **6. Powers and duties.** The commission shall:

7 A. Meet at least twice annually as well as hear public testimony and
8 recommendations from the public and qualified experts at publicly advertised
9 hearings at no fewer than 16 locations throughout the State each year, once in each
10 county;

11 B. Maintain active communications with any entity the commission determines
12 appropriate regarding ongoing developments in banking, monetary and fiscal
13 policies;

14 C. Maintain active communications with and submit an annual report to the
15 Governor, the Legislature, the Treasurer of State, the Attorney General,
16 municipalities, the State's congressional delegation, the Maine Municipal
17 Association, the National Conference of State Legislatures and the National
18 Association of Attorneys General or the successor organization of any of these
19 groups. The commission shall make the report easily accessible to the public by way
20 of a publicly accessible site on the Internet maintained by the State. The report must
21 contain information acquired pursuant to activities under paragraph A and may
22 contain information acquired pursuant to activities under paragraph B; and

23 D. Recommend and submit suggested legislation to the Legislature.

24 **7. Accounting; outside funding.** All funds appropriated, allocated or otherwise
25 provided to the commission must be deposited in one or more nonlapsing accounts
26 separate from other funds of the Legislature and may be used only for commission
27 purposes. The commission may seek and accept outside funding to fulfill commission
28 duties. Prompt notice of solicitation and acceptance of funds must be sent to the
29 Legislative Council. All funds accepted must be forwarded to the Executive Director of
30 the Legislative Council, along with an accounting that includes the amount received, the
31 date that amount was received, from whom that amount was received, the purpose of the
32 donation and any limitation on use of the funds. The executive director shall administer
33 all funds received in accordance with this chapter. At the beginning of each fiscal year,
34 and at any other time at the request of the cochairs of the commission, the executive
35 director shall provide to the commission an accounting of all funds available to the
36 commission, including funds available for staff support.

37 **8. Evaluation.** By December 31, 2030, the commission shall conduct an evaluation
38 of its activities and recommend to the Legislature whether to continue, alter or cease the
39 commission's activities.

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SUMMARY

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This bill establishes the State Bank and Tax Reduction Commission, which is

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charged with making recommendations and suggesting legislation for a legal and

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organizational framework for the establishment and oversight of a state-owned bank and

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tax rate reduction policy.