



February 17, 2021

To: Sen. Joseph Baldacci and Rep. Ann Matlack, co-chairs
Members, Committee on State & Local Government

From: David R. Clough – Maine State Director

Re: LD 158 – An Act to Eliminate Inactive Boards and Commissions

This statement is on behalf of the nearly 3,000 small business owners in Maine who are members of the National Federation of Independent Business. NFIB has members in every Senate district and in 150 House districts. Member businesses collectively span a wide range of economic activities.

There are two items targeted for elimination that NFIB was actively involved in helping create:

- Regulatory Fairness Board
- Advisory Committee on Fair Competition with Private Enterprise

The dormancy of these boards may reflect current times but there was a need in the past and may still be a need in the future.

Maine's Regulatory Fairness Board is loosely modeled on a federal board and experience former Senator Marge Kil Kelly and I had years ago with a Damariscotta small business owner whose difficulty with a federal agency was quickly resolved after the owner was able to present his case to the federal board. A representative of the federal agency in question met with the owner and a few days later the agency dropped its unreasonable action against the owner. Situations in Maine are, thankfully, less dramatic but can occur and, when they do, the existence of a state Regulatory Fairness Board gives all parties – business, state, interested lawmakers – an opportunity to present and resolve the particular situation without the expense of court action or the time-consuming process of legislative action.

The Advisory Committee on Fair Competition resulted from situations where a public entity was bidding against small businesses for contracts – and winning because the public agency did not have to build the cost of taxes into the price of the contract. The public policy interest was in providing a measure of protection for small businesses as well as the interests of taxpayers. The Advisory Committee was designed as a way to resolve issues in a timely, more informally and less expensively for both parties.

Both the Regulatory Fairness Board and Advisory Committee on Fair Competition received bipartisan support at their creation and over the ensuing years.

It would be unfortunate for these two important groups to disappear from existence. We urge you to consider a way to maintain the groups. Thank you.