

REGULATORY FAIRNESS BOARD

DRAFT MINUTES

JULY 31, 2009

PRESENT: Elizabeth Shissler, Eliot Stanley, Linda Snyder, Michael Meisner, Marie Emerson. SPO Staff present: Donna Bradstreet, Jody Harris, Thomas Merrill.

The meeting opened at 10:00 am. Jody Harris chaired the meeting until the Board elected its chair and co-chair.

No changes to the agenda.

There was a brief overview of the duties by statute.

Each member is elected or appointed for a three-year term. Members may remain serving beyond the 3-year time limit until they resign or are replaced by the appointing authority. Chair and Vice-Chair are elected from among the membership each year. The Board meets 3 times a year. An annual report is due to the Governor and Legislature on February 1st.

Two new duties of the RFB were reviewed. PL 2009, Resolves 62 directs the Department of Economic and Community Development to evaluate regulatory impediments for a selected business sector and to seek feedback from the Regulatory Fairness Board. DECD selected the composites industry. Their report is due to the Legislature by December 15, 2009. PL 2009, Resolves 110 directs the Regulatory Fairness Board to identify regulatory burdens and find efficiencies that will advance the state's business climate. A report is due to the Legislature's BRED committee by February 15, 2010.

A question was raised whether there was information on previous committee's activities. Joyce Benson has some files that SPO Staffer Tom Merrill will review and summarize.

There was a review of the Chair's duties.

Phyllis Gardiner of the Attorney General's office provided an overview of Maine's Freedom of Information Act, which is to be construed liberally. The public has a right to watch and listen to the meetings and have access to all public records. Meeting notices must be posted in a way that is reasonably calculated to reach the audience. The State Planning Office has public notices guidelines and will help the board meet this requirement.

All correspondence is a matter of public record, including e-mail discussions. Board members were advised to keep email related to board business in a folder on their person computer or to send them to the State Planning Office for record-keeping. Any citizen can ask to see records.

E-mail doesn't allow for the required public participation. Board members should not be tempted to have a policy discussion via email. If an issue is raised via email that warrants board discussion, it should

be brought to a public meeting and the email exchange should be disclosed when you do have a public meeting.

The board agreed to have the State Planning Office be the official address of record in order to comply with the FOIA. Board correspondence, email, or web site submissions will come to SPO for the official file and distributed to all board members.

When the board writes its reports, it is OK to have a draft distributed via email and comments back and forth. Those comments should be kept for the public record. If there are comments that would change the recommendations in the report, that should be done in a public meeting.

The board must have a quorum to take action. A single board member could hold a hearing.

A board member might want to abstain or disclose their interest if a recommendation impacts a board members' interest or the interest of a family member. Use own best judgment.

The Board's budget was discussed; money has been appropriated for travel expenses. Vendor forms and reimbursement forms were discussed.

Minutes of meetings will be posted.

SPO staff is available to assist the board. Donna Bradstreet will provide administrative support, organizing meetings, taking minutes, etc. Thomas Merrill will be the lead staff for the board meetings and can assist with research, information, and report-writing.

Election of Chair, and Vice Chair followed.

Linda Snyder and Eliot Stanley both expressed interest in being Chair. A discussion followed. Jody Harris called the vote. Eliot Stanley was nominated by Marie Emerson and was elected Chair. Mike Meisner and Elizabeth Shissler abstained from voting. Linda Snyder was nominated by Elizabeth Shissler for the Vice Chair position. It was a unanimous vote.

Eliot Stanley, as Chair, advocated the next meeting be held within the next 60 days. He would like the board to meeting with legislative chairs of BRED to better understand our charge and issues of concern to the committee. It was suggested that Cathy Renault from DECD and someone from the Composite Alliance be at the next meeting. The meeting possibly could start around 10 am and continue into the afternoon. Location to be determined.

Challenges: Regulatory environment in Maine. Limits to state agency rule-making authority. Targets to hit. Redundancy in government. Review regulations at next meeting. How are complaints filed with State? Health communication?

Meeting adjourned at 12:15 pm.