

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND THIRTEENTH LEGISLATURE  
4

5 Legislative Document

NO. 32  
6

7 H.P. 31 House of Representatives, January 21, 1987  
8 Reference to the Committee on State and Local Government  
suggested and ordered printed.

9 EDWIN H. PERT, Clerk  
10 Presented by Representative Lawrence of Parsonsfield.  
Cosponsored by Representative Rolde of York.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-SEVEN  
16

17 AN ACT to Create a Private Enterprise Act.  
18

19 Be it enacted by the People of the State of Maine as  
20 follows:

21 5 MRSA c. 20 is enacted to read:

22 CHAPTER 20

23 PRIVATE ENTERPRISE ACT

24 §501. Short title

25 This act shall be known and may be cited as the  
26 "Private Enterprise Act."

27 §502. Definitions

1        As used in this chapter, unless the context oth-  
2 erwise indicates, the following terms have the fol-  
3 lowing meanings.

4        1. Private enterprise. "Private enterprise" means  
5 any nongovernment entity engaging in the manufactur-  
6 ing, processing, offering for sale, rental, leasing,  
7 delivery, dispensing, distribution or advertising of  
8 goods and services for profit.

9        2. State agency. "State agency" means any de-  
10 partment, office, commission, institution, board,  
11 panel or other creation of state or local government,  
12 regardless of whether public money is appropriated to  
13 that agency.

14        §503. Restriction on government activity

15        A state agency, unless specifically authorized by  
16 statute, shall not engage in the manufacturing, pro-  
17 cessing, offering for sale, sale, rental, leasing,  
18 delivery, dispensing, distributing or advertising, in  
19 whole or in part, of any goods or services offered by  
20 private enterprise, except as provided in subsection  
21 2.

22        1. Exceptions. A governing board of a state ed-  
23 ucational institution may, by rule, provide for ex-  
24 emption from this Act for activities conducted by in-  
25 stitutions within their jurisdiction, subject to the  
26 following conditions:

27        A. Those activities are both a required and rea-  
28 sonably related part of any educational program  
29 which leads to a degree; or

30        B. Those activities are offered only to stu-  
31 dents, employees or guests of the institution and  
32 could be provided by private enterprise at the  
33 same or less cost.

34        2. Exempt on-campus activities. In addition,  
35 the governing board of any educational institutions  
36 may, by rule, provide for exemption from the applica-  
37 tion of this Act for the following on-campus activi-  
38 ties:

