

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 797

S.P. 299

In Senate, February 26, 1991

Submitted by the Maine Science and Technology Commission pursuant to Joint Rule 24.
Reference to the Committee on Education suggested and ordered printed.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator HOLLOWAY of Lincoln
Cosponsored by Representative HEINO of Boothbay, Senator BUSTIN of Kennebec and
Senator BRANNIGAN of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Regulate Conflict of Interest within the Maine Science and
Technology Commission.**

(EMERGENCY)



2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 Whereas, existing law, the Maine Revised Statutes, Title 17,
section 3104, provides that persons holding positions of trust in
any state office or public institution may not have any direct or
8 indirect interest in any contract made on behalf of the State or
of the institution in which they hold a place of trust; and

10
12 Whereas, the effectiveness of the Maine Science and
Technology Commission depends upon the active involvement of
individuals from educational institutions, nonprofit
14 organizations, business enterprises and government serving on the
commission and the advisory bodies to the commission; and

16
18 Whereas, the commission and advisory body members who have
the skills and interest to serve will represent institutions
having a direct or indirect interest; and

20
22 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
24 necessary for the preservation of the public peace, health and
safety; now, therefore,

26
28 **Be it enacted by the People of the State of Maine as follows:**

30 5 MRSA §13124-A is enacted to read:

32 **§13124-A. Conflict of interest**

34 In making recommendations or decisions on research and
development contracts, agreements or grants with educational
institutions, nonprofit institutions and organizations, business
36 enterprises and other persons concerned with scientific and
technological research and development in the State, including
38 any state or federal agency, members of the commission and
advisory boards to the commission and to the centers for
40 innovation are not bound by the provisions of Title 17, section
42 3104, but continue to be bound by the provisions of Title 5,
section 18.

44 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

46
48 **STATEMENT OF FACT**

50 This bill allows that in making recommendations or decisions
on research and development contracts, agreements or grants with
52 educational institutions, nonprofit institutions and
organizations, business enterprises and other persons concerned

2 with scientific and technological research and development in the
State, including any state or federal agency, members of the
4 commission and advisory boards to the commission and to the
centers for innovation are not bound by certain laws concerning
6 conflicts of interest.