

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 971

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H.P. 707

House of Representatives, February 11, 1997

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**An Act to Protect Private Enterprise from Tax-subsidized Competition.**

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Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative GOOLEY of Farmington.  
Cosponsored by Representatives: BROOKS of Winterport, JOY of Crystal, LANE of Enfield,  
SPEAR of Nobleboro, VIGUE of Winslow, WINSOR of Norway, Senator: BENOIT of  
Franklin.

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

4 Sec. 1. 13-B MRSA §1308 is enacted to read:

6 **§1308. Competition with private enterprise**

8 A nonprofit corporation is required to obtain all licenses,  
10 certificates and registrations required of private corporations  
12 or businesses if the nonprofit corporation competes for a project  
14 with a private enterprise that is not subsidized, in part or in  
16 whole, with public money.

18 Sec. 2. 20-A MRSA §4730 is enacted to read:

20 **§4730. Competition with private enterprise**

22 A secondary school that receives state financial support may  
24 not compete with an unsubsidized private corporation or business  
26 for a project.

28 Sec. 3. 20-A MRSA §10006 is enacted to read:

30 **§10006. Competition with private enterprise**

32 A postsecondary institution that receives state financial  
34 support may not compete with an unsubsidized private corporation  
36 or business for a project.

38 Sec. 4. 32 MRSA §4684, as corrected by RR 1993, c. 1, §§92 to  
40 94, is amended by adding at the end a new paragraph to read:

42 Notwithstanding Title 36, chapter 211, a nonprofit  
44 corporation that competes with unsubsidized private sellers must  
46 obtain a seller's registration certificate.

48 Sec. 5. 34-A MRSA §3202 is enacted to read:

50 **§3201. Competition with private enterprise**

The Maine State Prison may not compete with an unsubsidized  
private corporation or business for a project.

**SUMMARY**

This bill requires that nonprofit corporations obtain the same licenses, certification and registrations required of private enterprise when they compete with unsubsidized private corporations for projects or sales. The bill prohibits secondary schools or postsecondary educational institutions that receive

2 state financial support and the Maine State Prison from competing  
with an unsubsidized or private corporation or business for a  
project.

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