

# MAINE STATE LEGISLATURE

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L.D. 533

DATE: 2/7/2000

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**STATE AND LOCAL GOVERNMENT**

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**STATE OF MAINE  
SENATE  
119TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 179, L.D. 533, Bill, "An Act to Prohibit the State from Competing with Private Industry"

Amend the bill by striking out the title and substituting the following:

**'An Act Concerning State Government Competition with Private Enterprise'**

Further amend the bill by striking out all of section 1 (page 1, lines 3 to 12 in L.D.) and inserting in its place the following:

'Sec. 1. 5 MRSA §55 is enacted to read:

**§55. Advisory Committee on Fair Competition with Private Enterprise**

In recognition that the provision of goods or services by state governmental agencies or institutions to the public may result in unfair competition practices with private enterprise in Maine, the Advisory Committee on Fair Competition with Private Enterprise, as established in section 12004-I, subsection 2-E and referred to in this section as the "committee," is created to assist State Government in responding to concerns raised by the public regarding government competition with private enterprise.

1. Membership. The committee consists of 9 members as follows:

A. Three members representing State Government, including:

2           (1) The Commissioner of Administrative and Financial  
4           Services, or the commissioner's designee, who shall  
          serve as the chair of the committee;

6           (2) The Commissioner of Economic and Community  
          Development or the commissioner's designee; and

8           (3) One of the following 3 officials appointed on a  
10          rotating basis:

12                 (a) The Commissioner of Education or a designee;

14                 (b) The President of the Maine Technical College  
16                 System or a designee; or

18                 (c) The Chancellor of the University of Maine  
                System or a designee;

20           B. A member representing employees of State Government,  
22           appointed by the Governor;

24           C. Three members representing private enterprise, including  
          at least 2 members who represent businesses with fewer than  
26           100 employees, appointed by the Governor; and

28           D. Two members representing the public, appointed by the  
          Governor.

30           2. Terms of appointment. Terms of appointment are as  
32           follows:

34                 A. The terms of appointment for the Commissioner of  
          Administrative and Financial Services and the Commissioner  
36                 of Economic and Community Development coincide with their  
          terms of office;

38                 B. The term of appointment for the Commissioner of  
          Education, the President of the Maine Technical College  
40                 System or the Chancellor of the University of Maine System  
          is one year;

42                 C. Of the remaining 6 initial members, 2 must be appointed  
44                 for terms of 3 years, 2 must be appointed for terms of 2  
          years and 2 must be appointed for terms of one year.  
46                 Members appointed to terms under this paragraph are eligible  
          for reappointment; and

48                 D. After initial appointments, members appointed pursuant  
50                 to subsection 1, paragraphs B, C and D serve 3-year terms.



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COMMITTEE AMENDMENT "A" to S.P. 179, L.D. 533

2 with private enterprise. The advisory committee is directed to  
meet at least once a year and to submit an annual report by  
4 January 15th of each year to the Governor and the joint standing  
committee of the Legislature having jurisdiction over state and  
local government matters. The amendment also adds a fiscal note.