MAINE STATE LEGISLATURE

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	L.	D. 533
2	DATE: 2 7 2000 (Fi	ling No. S-478)
4	•	
6	STATE AND LOCAL GOVE	RNMENT
8	Reported by:	
10	Reproduced and distributed under the dir of the Senate.	ection of the Secretary
12	STATE OF MAINE	
14	SENATE 119TH LEGISLATUR	
16	SECOND REGULAR SES	
18	٨	
20	COMMITTEE AMENDMENT " $oldsymbol{A}$ " to S.P. 17 Act to Prohibit the State from Competing w	
22	Amend the bill by striking out the the following:	title and substituting
24	•	
26	'An Act Concerning State Government Co Enterprise'	ompetition with Private
28 30	Further amend the bill by striking (page 1, lines 3 to 12 in L.D.) and ins following:	
32	'Sec. 1. 5 MRSA §55 is enacted to read	1:
34	§55. Advisory Committee on Fair Competiti <pre>Enterprise</pre>	on with Private
36	In recognition that the provision of	f goods or services by
38	state governmental agencies or institutives result in unfair competition practices with	ons to the public may
40	Maine, the Advisory Committee on Fair C Enterprise, as established in section 1200	_
12	referred to in this section as the "con assist State Government in responding to	mittee," is created to concerns raised by the
14	public regarding government competition wi	th private enterprise.
1 6	1. Membership. The committee con follows:	sists of 9 members as
10		

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A. Three members representing State Government, including:

2	(1) The Commissioner of Administrative and Financial
	Services, or the commissioner's designee, who shall
4	serve as the chair of the committee;
6	(2) The Commissioner of Economic and Community Development or the commissioner's designee; and
8	Development of the commissioner's designee; and
	(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
1.0	System or a designee; or
16	(c) The Chancellor of the University of Maine
18	System or a designee;
20	B. A member representing employees of State Government,
	appointed by the Governor;
22	C. Three members representing private enterprise, including
24	at least 2 members who represent businesses with fewer than
	100 employees, appointed by the Governor; and
26	
28	D. Two members representing the public, appointed by the Governor.
30	2. Terms of appointment. Terms of appointment are as
32	follows:
J 2	A. The terms of appointment for the Commissioner of
34	Administrative and Financial Services and the Commissioner
	of Economic and Community Development coincide with their
36	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
42	is one year:
	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	ror reabbotuchiency and
- •	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

2	3. Duties of committee, The committee shall meet at least
4	once annually to review complaints from private enterprise of
4	potentially unfair competition practices by State Government and to make recommendations regarding the disposition of these
6	complaints to the Governor and, when appropriate, to the
J	Legislature.
8	
	4. Staffing of committee. The Department of Administrative
10	and Financial Services shall provide administrative and staff
	support to the committee.
12	
	5. Report of committee. The committee shall report by
14	January 15th of each year to the Governor and to the joint
	standing committee of the Legislature having jurisdiction over
16	state and local government matters on its activities and shall
	recommend changes in policies or practices that assist in
18	achieving the purposes of this section.
20.	Sec. 2. 5 MRSA §12004-I, sub-§2-E is enacted to read:
20.	Sec. 2. S WINDA 912007-1, Sub-92-12 is enacted to read:
22	2-E. Advisory Not 5 MRSA
	Business Committee Authorized \$55'
24	on Fair
	Competition
26	with Private
	Enterprise
28	
	Further amend the bill by inserting at the end before the
30	summary the following:
32	
	'FISCAL NOTE
34	
	The Department of Administrative and Financial Services will
36	incur some minor additional costs to provide administrative and
	staff support to the Advisory Committee on Fair Competition with
38	Private Enterprise. These costs can be absorbed within the
4.0	department's existing budgeted resources.
40	
42	The additional costs associated with serving on the advisory
74	committee can be absorbed by the affected departments and agencies utilizing existing budgeted resources.'
44	agencies ucilizing existing budgeted resources.
46	SUMMARY
48	This amendment is the majority report. It establishes a
	9-member advisory committee to handle complaints and issues
50	regarding potentially unfair competition practices by the State

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R & S.

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

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