

# MAINE STATE LEGISLATURE

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n.d.s.

L.D. 1285

DATE: 5-1-03

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STATE AND LOCAL GOVERNMENT

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STATE OF MAINE  
SENATE  
121ST LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 416, L.D. 1285, Bill, "An Act To Promote and Protect Private Enterprise"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

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

§55-A. Unfair competition

1. Prohibition. A state agency may not sell goods or services to the public in competition with private enterprise unless it complies with this section.

2. Prior approval required. Unless otherwise provided by law, before a state agency may sell goods or services to the public, that agency must refer the matter for review and approval to the Advisory Committee on Fair Competition with Private Enterprise, established in section 12004-I, subsection 2-E. If the Advisory Committee on Fair Competition with Private Enterprise finds that the proposed activity is not specifically authorized by law and that activity will result in unfair competition, the state agency may not sell those goods or services.

3. Exceptions for emergencies. A state agency may immediately sell goods or services to the public in the event of an emergency as determined by the agency head. The agency must refer the matter for review and approval to the Advisory Committee on Fair Competition with Private Enterprise as soon as

COMMITTEE AMENDMENT

R. 018

COMMITTEE AMENDMENT "A" to S.P. 416, L.D. 1285

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possible. If the committee finds the activity results in unfair competition, the state agency must suspend sale of those goods or services within 30 days of the notification of the finding.

4. Exception for existing goods and services. This section does not apply to goods or services that a state agency began selling to the public on or before January 15, 2004.

**Sec. 2. Effective date.** This Act takes effect January 15, 2004.'

**SUMMARY**

This amendment clarifies that the prohibition on sales by a state agency does not apply if the sale of the goods or services by the state agency is specifically authorized by law. It permits state agencies to sell good or services immediately in the case of an emergency. It also clarifies that this legislation applies only when a state agency sells new or additional goods or services as of January 15, 2004.