

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act Concerning Debarment from Contracts with the Department of Environmental Protection**

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

**Sec. 1. 38 MRSA §349-B, sub-§1, ¶B** is enacted to read:

B. "Business" means a corporation, business trust, trust, partnership, limited liability company, association, joint venture, firm, association, organization or any other legal or commercial entity.

**Sec. 2. 38 MRSA §349-B, sub-§1, ¶C** is enacted to read:

C. "Direct financial interest" means ownership or part ownership of a business, including lands, stocks, bonds, debentures, warrants, partnership shares or other holdings, and also means any other arrangement where the individual may benefit from that individual's holding in or salary from that business. "Direct financial interest" includes employment, pensions, creditor relationships, real property and other financial relationships.

**Sec. 3. 38 MRSA §349-B, sub-§2**, as enacted by PL 2007, c. 300, §1, is amended to read:

**2. Debarment.** The commissioner may, after hearing, debar from participation in contracts with the department for 2 years any person individual or business found to have committed a repeat violation when either the time for filing an appeal of the determination of that violation has expired or the appeals process has been exhausted. If an individual is debarred under this section, any business in which that individual holds a direct financial interest is also debarred. If a business is debarred under this section, any individual or business that holds a direct financial interest in that debarred business is also debarred.

### **SUMMARY**

Current law allows the Commissioner of Environmental Protection to debar from participation in any contract with the Department of Environmental Protection a person who commits repeat violations of a term or condition of a license, permit or order issued under the Maine Revised Statutes, Title 38. If the person is a corporation, an individual may avoid debarment by forming a different corporation.

This bill specifies that a debarment of an individual or business flows through to any other individual or business that is affiliated through a direct financial interest with that debarred individual or business.