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Amend the bill by striking out all of section 3 and inserting the following:

‘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.

A. If an individual is debarred under this section, any business in which that individual holds a direct financial interest may also be debarred if the commissioner finds that the individual is in a position to substantially influence the business's compliance with the laws and rules administered by the department.

B. If a business is debarred under this section:

(1) Any individual that holds a direct financial interest in that debarred business may also be debarred if the commissioner finds that the individual knew or should have known of the actions or inactions upon which the debarment of the business is based and was or is in a position to substantially influence the debarred business's compliance with the laws and rules administered by the department; and

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(2) Any other business that holds a direct financial interest in that debarred business may also be debarred if the commissioner finds that either business was or is in a position to substantially influence compliance by the other business with the laws and rules administered by the department.

SUMMARY

This amendment amends the bill by including findings the Commissioner of Environmental Protection must make prior to debarring an individual or business that has a direct financial interest in a debarred business or prior to debarring a business in which a debarred individual holds a direct financial interest.

FISCAL NOTE REQUIRED

(See attached)