

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1307

H. P. 1056

House of Representatives, March 19, 1979

On Motion of Mr. Hobbins of Saco, referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Howe of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Clarify the Conflict of Interest Statutes to Include Law Associates and Former Law Associates and to Include both Classified and Unclassified State Employees.

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

5 MRSA § 15, as last amended by PL 1977, c. 696, §§ 31 and 32, is further amended to read:

§ 15. Disqualification of former state officials and employees and former partners and law associates of present state officials from participation in certain matters

1. Former executive employee. Any person who has been a member of the classified or unclassified service employed by an executive agency shall be guilty of a Class E crime, if he:

A. Within ~~one year~~ **2 years** after his employment has ceased, knowingly acts as an agent or attorney for anyone other than the State in connection with any official proceeding in which:

- (1) The State is a party or has a direct and substantial interest; and
- (2) The particular matter at issue was pending before his agency,

department or office and was directly within his official responsibilities as a state employee at any time within one year prior to the termination of his employment.

B. Within ~~one year~~ **2 years** after his ~~employment~~ **service** has ceased, appears personally before any state or quasi-state agency for anyone other than the State in connection with any proceeding in which:

(1) The State is a party or has a direct and substantial interest; and

(2) The particular matter at issue was pending before his agency, **department or office** and was directly within his official responsibilities at any time within one year prior to the termination of his ~~employment~~ **service**.

2. Partner or law associate of former state official and employee. Any former partner or **law associate** of a person who is currently a member of the classified or unclassified service ~~employed by an executive agency~~ shall be guilty of a Class E crime if that former partner or **law firm association**, within ~~one year~~ **2 years** after the partnership or **law firm association** has ended, acts as agent or attorney for anyone other than the State in connection with any official proceeding in which:

A. The State is a party or has a direct and substantial interest; and

B. The subject matter at issue is directly within the official responsibility of the person, currently ~~employed by an executive agency~~ **so serving in the classified or unclassified service**, who was ~~formerly his partner~~ **his former partner or law associate**.

3. Construction of section. This section shall not be construed to prohibit former state employees from doing personal business with the State.

STATEMENT OF FACT

The purpose of this bill is to clarify and close loopholes in the conflict of interest law. All people in state service will be covered. The period covered by the ban on participation in certain activities is extended from one year to 2. Former law associates are covered by the ban as well as partners.