

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 1312

6  
7 H.P. 1004

House of Representatives, March 24, 1983

8 Referred to the Committee on State Government. Sent up for concurrence  
9 and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Paradis of Augusta.

Cosponsor: Representative Gwadosky of Fairfield.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Establish Standards of  
18 Conduct for Employees of the Maine Guarantee  
19 Authority.  
20

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

23 10 MRSA c. 110, sub-c. I-A is enacted to read:

24 SUBCHAPTER I-A

25 STANDARDS OF CONDUCT

26 §1011. Definitions

27 As used in this subchapter, unless the context  
28 indicates otherwise, the following terms have the  
29 following meanings.

30 1. Authority. "Authority" means the Maine Guar-  
31 antee Authority.

1           2. Eligible projects. "Eligible projects" has  
2 the same meaning as defined in section 1003.

3           3. Employee. "Employee" means any officer,  
4 member of the authority, or any employee of the  
5 authority.

6           4. Member of household. "Member of household"  
7 means spouse, minor children or any blood relation of  
8 the employee or spouse who resides in the same place  
9 of abode with the employee.

10          5. Person. "Person" means an individual, corpo-  
11 ration, company, association, firm, partnership,  
12 society, joint stock company or any other organiza-  
13 tion.

14 §1012. Personal interests in firms

15          No employee of the authority or member of his  
16 household may own, or otherwise hold, directly or  
17 indirectly, purchase, or direct the purchase of,  
18 directly or indirectly, any interest in the persons,  
19 as defined in this section:

20          1. Persons who previously received assistance. A  
21 person who has received authority assistance within  
22 the preceding 2 years;

23          2. Persons with outstanding assistance or com-  
24 mitment. A person who presently has outstanding  
25 authority assistance or a commitment from the author-  
26 ity;

27          3. Persons with application for assistance. A  
28 person who has pending an application for authority  
29 assistance; or

30          4. Cooperative financing institutions. An insti-  
31 tution which participates with the authority in any  
32 of its assistance programs.

33 §1013. Former employee as agent in matters previ-  
34 ously before the Maine Guarantee Authority

35          No former employee, within one year after his  
36 employment with the authority has ceased, may appear

1 before the authority, or in any proceeding conducted  
2 by or on behalf of the authority, or in which the  
3 authority has an interest, as agent or attorney in  
4 connection with any claim, determination or other  
5 matter which was under his official responsibility  
6 within one year prior to the termination of his  
7 employment.

8 §1014. Former employee as agent in matters in which  
9 former employee substantially participated

10 No former employee may ever, after his employment  
11 with the authority has ceased, appear as agent or  
12 attorney before the authority or in any proceeding  
13 conducted by or on behalf of the authority or in  
14 which the authority has an interest, in connection  
15 with any claim, determination or other specific mat-  
16 ter in which he participated personally and substan-  
17 tially while an employee through decision, approval,  
18 disapproval, recommendation, the rendering of advice,  
19 investigation or otherwise.

20 §1015. Employment of former employee by recipient of  
21 Maine Guarantee Authority assistance

22 1. Prohibitions. No former employee, who occupied  
23 a position involving discretion or who exercised dis-  
24 cretion with respect to the granting of authority  
25 assistance or the administration of that assistance,  
26 may accept or retain a position as employee, partner,  
27 agent, attorney or otherwise with a concern which has  
28 received this authority assistance, or with a person  
29 who provides significant legal, accounting or other  
30 services to the concern for a period of 2 years fol-  
31 lowing the date of that assistance, if:

32 A. The date of the assistance or the administra-  
33 tive act with respect thereto was within the  
34 period of the employee's term of employment; or

35 B. The date of the assistance or the administra-  
36 tive act with respect thereto was within one year  
37 following the termination of the employment.  
38 Failure of a recipient of authority assistance to  
39 comply with these provisions may result, in the  
40 discretion of the authority, in the requirement  
41 for immediate repayment of authority financial

1 assistance, the immediate termination of other  
2 assistance involved or other appropriate action.

3 §1016. Ineligible projects

4 No project may be deemed an eligible project for  
5 authority assistance or for consideration of assis-  
6 tance which is proposed by any person in which an  
7 employee of the authority:

8 1. Any interest. Has any interest, direct or  
9 indirect;

10 2. Employee. In the previous 2 years has been an  
11 employee or held an interest, indirect or direct, in  
12 the person; or

13 3. Member of a household. Is a member of a  
14 household who presently holds or in the previous 2  
15 years has held an interest, direct or indirect.

16 In addition, no project may be deemed an eligible  
17 project for assistance or consideration of assistance  
18 under this chapter in which a former employee of the  
19 authority holds an interest or serves in a capacity  
20 prohibited under sections 1013 to 1015.

21 §1017. Penalty

22 Any employee who violates the provisions of this  
23 subchapter commits a civil violation for which a for-  
24 feiture of not less than \$50 nor more than \$1,000  
25 shall be adjudged.

26 STATEMENT OF FACT

27 The purpose of this bill is to provide a standard  
28 of conduct for employees and members of the Maine  
29 Guarantee Authority. The standards of conduct pro-  
30 hibit any project from being considered for Maine  
31 Guarantee Authority assistance in which an employee  
32 or member of the authority holds an interest or has  
33 held an interest in the previous 2 years.

34 This bill prohibits former employees of the Maine  
35 Guarantee Authority from serving as agents or attor-

1 neys, or from representing in any way, a firm, corpo-  
2 ration, association or business that has or is apply-  
3 ing for Maine Guarantee Authority assistance.

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