

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 624

S.P. 188

In Senate, February 23, 1993

An Act to Limit Conflicts of Interest and Ensure Objective and Qualified State Consultants.

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CARPENTER of York.
Cosponsored by Senators: HALL of Piscataquis, KIEFFER of Aroostook, SUMMERS of Cumberland, VOSE of Washington, Representative: DONNELLY of Presque Isle.

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

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3 Sec. 1. 5 MRSA §1834 is enacted to read:

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5 §1834. Contractors and consultants to the Department of
6 Environmental Protection

7 1. Definitions. As used in this section, unless the
8 context otherwise indicates, the following terms have the
9 following meanings.

10 A. "Board" means the Board of Environmental Protection.

11 B. "Contractors" or "consultants" includes all
12 subcontractors, but does not include contractors,
13 consultants or subcontractors engaged solely for technical
14 services, such as construction, repairs, maintenance,
15 development of environmental study and clean up plans, or
16 environmental monitoring or cleanup.

17 C. "Department" means the Department of Environmental
18 Protection.

19 2. Qualifications. Contractors and consultants to the
20 department must demonstrate to the satisfaction of a majority of
21 the board that they have appropriate qualifications in the
22 subject matter for which they will be engaged and that they are
23 objective and unbiased. This demonstration must occur before the
24 services are rendered.

25 3. Disclosure. Contractors and consultants to the
26 department shall disclose their participation in any proceeding,
27 rulemaking or licensing involving the same, or a substantially
28 similar, matter relative to the subject of their employment by
29 the department.

30 4. Public notice. The department shall provide the board
31 with 2 weeks' prior notice of its intention to engage the
32 services of a contractor or consultant. Notice must be made
33 public by the board no less than 2 weeks prior to its ruling
34 pursuant to subsection 2. The notice provided by the department
35 to the board must include disclosures made pursuant to subsection
36 3, together with a specific description of the services to be
37 rendered by the contractor or consultant.

38 5. Public comment. Prior to determining the qualifications
39 of a proposed contractor or consultant as provided in subsection
40 2, the board must provide the public an opportunity to comment on
41 the qualifications, objectivity and possible bias of any proposed
42 contractor or consultant if the board receives a request from any
43 member of the public to make comment prior to the board's ruling
44 pursuant to subsection 2.

STATEMENT OF FACT

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This bill seeks to limit potential conflicts of interest of contractors and consultants engaged by the Department of Environmental Protection. The bill provides that contractors and consultants to the department must meet certain qualifications and make disclosures concerning their objectivity. The bill also provides for prior public notice and comment concerning the engagement of contractors and consultants.