

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1322
6

7 H.P. 908

House of Representatives, April 16, 1985

8 Speaker laid before the House and on motion of Representative
9 Gwadosky of Fairfield, referred to the Committee on State Government. Sent
up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Sproul of Augusta.

11 Cosponsored by Representative Racine of Biddeford, Representative
Simpson of Casco and Senator Maybury of Penobscot.

12 STATE OF MAINE
13

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

17 AN ACT Concerning Governmental Oversight.
18

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

21 3 MRSA c. 22 is enacted to read:

22 CHAPTER 22

23 GOVERNMENTAL OVERSIGHT

24 §481. Procedure established

25 The joint standing committee of the Legislature
26 having jurisdiction over audit and program review
27 shall establish a procedure for receiving and pro-
28 cessing information received pursuant to this chap-
29 ter. The committee shall designate one or more of
30 its staff to oversee the initial processing of this
31 information.

32 §482. Telephone number

1 The committee shall provide a well-publicized
2 telephone number by which information can be reported
3 pursuant to this chapter.

4 §483. Processing of information

5 1. Receipt. Staff designated by the committee
6 under section 481, shall receive information concern-
7 ing abuse of authority, mismanagement, negligence,
8 fraud, gross waste of funds or violation of any law
9 or rule of any state department or agency. The iden-
10 tity of the person providing the information shall be
11 kept confidential.

12 2. Initial determination. If, after reviewing
13 any information provided under subsection 1, any
14 staff person determines that there is a likelihood
15 that the information is correct, he shall forward the
16 information to the committee. If after review of the
17 information, the committee determines that there is a
18 substantial likelihood that the information discloses
19 an abuse of authority, mismanagement, negligence,
20 fraud, gross waste of funds or violation of any law
21 or rule of any state department or agency, it shall
22 notify the department or agency in writing of that
23 fact and the department or agency shall conduct an
24 investigation of the situation and shall issue a
25 written report which shall be forwarded to the com-
26 mittee. The committee shall provide a copy of the
27 written report to the individual who originally sup-
28 plied the information concerning the department or
29 agency.

30 3. Report. Any report required under this sec-
31 tion shall be reviewed and signed by the agency head
32 and shall include:

33 A. A summary of the information with respect to
34 which the investigation was initiated;

35 B. A description of the conduct of the investi-
36 gation;

37 C. A summary of any evidence obtained from the
38 investigation;

39 D. A listing of any violation or apparent viola-
40 tion of any law or rule; and

1 E. A description of any corrective action taken
2 or planned to be taken as a result of the inves-
3 tigation, including, but not limited to, changes
4 in agency rules or practices, restoration of any
5 aggrieved employee, disciplinary action against
6 any employee and referral to the Attorney General
7 of any evidence of a criminal violation.

8 §484. Further investigation

9 If the individual who originally supplied the in-
10 formation concerning the department or agency dis-
11 agrees with the report submitted by that department
12 or agency, he may notify the committee staff and
13 present to them substantiating evidence. The staff
14 shall notify the committee which, if it determines
15 that further investigation is warranted, may request
16 that an independent investigation be conducted by the
17 Attorney General.

18 STATEMENT OF FACT

19 The purpose of this bill is to provide a proce-
20 dure for the Joint Standing Committee on Audit and
21 Program Review to receive and process information
22 concerning abuse of authority, mismanagement, gross
23 waste of funds, fraud or violation of any law or rule
24 by any state department or agency.

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