MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document S.P. 593 In Senate, May 16, 1989 Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27. Reference to the Committee on State and Local Government suggested and ordered printed. Apply O'Brien JOY J. O'BRIEN Secretary of the Senate Presented by President PRAY of Penobscot. Cosponsored by Speaker MARTIN of Eagle Lake. STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Establish the Whistleblower Hotline.

(After Deadline)



1	Be it enacted by the People of the State of Maine as follows:
3	26 MRSA §833-A is enacted to read:
5	§833-A. Whistleblower Hotline
7	The Whistleblower Hotline shall be established to receive calls concerning any waste, fraud, abuse or mismanagement in any
9	branch of the State Government.
11	1. Authorization. The Office of Fiscal and Program Review is authorized to establish a toll-free hotline. The telephone
13	hotline shall be known as the "Whistleblower Hotline."
15	A. The hotline shall be open between the hours of 8 a.m. and 5 p.m., Monday through Friday.
17	B. The toll-free hotline telephone number shall be posted
19	conspicuously in the facility foyer, lobby, activity room or other conspicuous location easily accessible to employees on
21	every floor of every building owned or leased by the State Government. In addition to the Whistleblower Hotline
23	telephone number, the Office of Fiscal and Program Review shall post a brief summary of the purpose of the hotline as
25	well as an invitation to use the hotline including the option to remain anonymous. This information shall also be
27	contained in the poster.
29	2. Administration; staff functions. The Office of Fiscal and Program Review shall administer the provisions of this
31	section. It shall be the responsibility of the staff of the Office of Fiscal and Program Review, on receiving specific
33	information concerning any waste, fraud, abuse or mismanagement
35	in any branch of the State Government, to report the information to the joint standing committees of the Legislature having
37	jurisdiction over appropriations and financial affairs and audit and program review.
39	3. Information gathering. It shall be the responsibility
4.7	of the staff to gather as much information as possible from the
41	caller. The Office of Fiscal and Program Review shall prepare a form for this information.
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45	4. Anonymity. The staff member shall request the name of
45	each caller, but the caller shall be informed of the option to remain anonymous. If the caller exercises this option, the staff
47	member is still obligated to refer legitimate evidence to the
49	<u>committees, specified in subsection 2, subsequent to the report under subsection 5.</u>

•	D. Report of Amproper decaying it the bear decermines
•	that there is reasonable cause to believe that any waste, fraud,
3	abuse or mismanagement has occurred, the staff shall report the nature and details of the activity to the committees specified in
5	subsection 2. If, after reviewing the information, the staff
	believes that there is criminal activity involved, the matter
7	shall be referred to the office of the Attorney General.
9	<u>6. Report to Legislature. The Office of Fiscal and Program Review shall submit a report to the Legislature on or before</u>
11	January 1, 1991. The report shall contain the following:
13	A. The effectiveness of the hotline;
15	B. A summary of the significant problems, if any, encountered in establishment of the hotline and their
17	resolution; and
19	C. Recommendations for future policy with regard to the hotline.
21	7. Discrimination prohibited. No employer may discharge,
23	threaten or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location or
25	privileges of employment because:
27	A. The employee, acting in good faith, or a person acting on behalf of the employee, calls the Whistleblower Hotline
29	to report that the employee has reasonable cause to believe there is waste, fraud, abuse or mismanagement in a branch of
31	the State Government;
33	B. The employee is requested to participate in an investigation, hearing or inquiry held by the Office of
35	Fiscal and Program Review, or in a court action; or
37	C. The employee, acting in good faith, has refused to carry out a directive that would expose the employee or any
39	individual to a condition that would result in any waste, fraud, abuse or mismanagement in any branch of the State
41	Government, after having sought and been unable to obtain a correction of the condition from the employer.
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45	STATEMENT OF FACT
47	
49	This bill establishes the Whistleblower Hotline to receive calls concerning any waste, fraud, abuse or mismanagement in any
	branch of the State Government. The hotline will be administered
51	by the Office of Fiscal and Program Review. The Office of Fiscal

and Program Review will gather information and report any misconduct to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Audit and Program Review. The toll-free hotline will be posted conspicuously in every building owned or leased by the State Government.

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