

MAINE STATE LEGISLATURE

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L.D. 1758

DATE: 4/1/94

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STATE OF MAINE
SENATE
116TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1303, L.D. 1758, Bill, "An Act to Protect the Rights of Employees and to Ensure the Proper Expenditure of Public Funds"

Amend the amendment in section 1 in that part designated "~~§872.~~" by striking out all of subsections 3 and 4 (page 2, lines 11 to 40 in amendment) and inserting in their place the following:

'3. Disallowed expenditures. Enforcement of the restrictions imposed by subsection 1 must be made in accordance with this subsection.

A. In response to a complaint or information obtained through normal auditing procedures, a department that provided state funds or state-administered funds to an employer or an employee organization subject to this section shall investigate whether this section has been violated. The employer or employee organization shall make available to the department records relating to a program or position funded by state funds or state-administered funds. Records that are excepted from the definition of public records in Title 1, section 402, subsection 3 are not subject to disclosure. The personnel records of an employee that are considered confidential for state employees under Title 5, section 7070 are not subject to disclosure.

B. If the investigating department makes an initial determination that a violation has occurred, the department

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may file an action in Superior Court or District Court to obtain a finding as to whether an employer or employee organization violated subsection 1.

C. When judicial appeals of the court's decision under paragraph B are completed, the department that provided the funds shall withhold an amount equal to the disallowed expenditure from future payments to be received by the employer or employee organization, according to a schedule determined by that department.'

STATEMENT OF FACT

This amendment removes from the committee amendment the provision that makes the records relating to a program or position funded with state funds fully accessible as public records. The amendment replaces the subsection describing the enforcement procedures and provides that the records must be made available to the investigating department.

SPONSORED BY: Atlas E. Cianchette
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