

MAINE STATE LEGISLATURE

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DATE: 4-11-00

(Filing No. H-1112)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 397, L.D. 528, Bill, "An Act to Implement the Recommendations of the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services Relating to the Department of Mental Health, Mental Retardation and Substance Abuse Services"

Amend the amendment in section 2 in that part designated "~~§4087-A.~~" by striking out all of subsection 3 (page 2, lines 20 to 24 in amendment) and inserting in its place the following:

'3. Contracted services. The office must operate by contract with a nonprofit organization that the Governor finds to be free of potential conflict of interest and best able to provide the services on a statewide bases. The ombudsman may not be actively involved in political party activities or publicly endorse, solicit funds for or make contributions to political parties or candidates for elective office. The ombudsman may not be a candidate for or hold any elective or appointive public office.'

Further amend the amendment in section 2 in that part designated "~~§4087-A.~~" by inserting after subsection 9 the following:

'10. Penalties. Any person who willfully obstructs or hinders the lawful exercise of the ombudsman in the performance of the ombudsman duties commits a Class E crime. Any person who penalizes or imposes a restriction on a person who makes a complaint or inquiry to the ombudsman as a result of that complaint or inquiry commits a Class E crime. The Attorney General shall enforce this subsection under Title 5, section 191.'

HOUSE AMENDMENT

R. W. S.

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FISCAL NOTE

This bill may increase prosecutions for Class E crimes. If a jail sentence is imposed, the additional costs to the counties are estimated to be \$83.36 per day per prisoner. The number of prosecutions that may result in a jail sentence and the resulting costs to the county jail system are expected to be insignificant.

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue by minor amounts.

SUMMARY

This amendment provides that the Governor appoints the Director of the Child Ombudsman Office, called the "ombudsman," and prohibits the ombudsman from political activities and elective or appointive office. It provides criminal penalties for willfully obstructing or hindering the ombudsman.

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