

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1047

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H.P. 764

House of Representatives, February 26, 2003

### **An Act To Ensure Communication about Public Complaints against State Employees**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative LAVERRIERE-BOUCHER of Biddeford.

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

2           **Sec. 1. 5 MRSA §7034, sub-§10**, as amended by PL 1991, c. 780,  
4 Pt. Y, §93, is further amended to read:

6           **10. Administer state employee assistance program.**  
Administer assessment and referral services for employees in need  
8 of these services in accordance with the program defined by  
section 957; and

10           **Sec. 2. 5 MRSA §7034, sub-§11**, as enacted by PL 1991, c. 780,  
12 Pt. Y, §94, is amended to read:

14           **11. Administer state employee workers' compensation**  
**program.** Administer the program of workers' compensation for  
16 state employees in conjunction with the programs for health and  
wellness and health insurance.; and

18           **Sec. 3. 5 MRSA §7034, sub-§12** is enacted to read:

20           **12. Liaison for public complaints.** Act as the liaison for  
22 public complaints about state employees pursuant to section 7040.

24           **Sec. 4. 5 MRSA §7036, sub-§11.** as enacted by PL 1985, c. 785,  
26 Pt. B, §38, is amended to read:

28           **11. Investigate complaints.** Investigate complaints and  
problems relating to the administration and operation of the  
civil service system, including complaints from the public about  
30 state employees, and inform the joint standing committee of the  
Legislature having jurisdiction over State Government of any  
32 legislation necessary to resolve the problems;

34           **Sec. 5. 5 MRSA §7040** is enacted to read:

36           **§7040. Liaison for public complaints**

38           The Bureau of Human Resources shall act as a liaison for  
complaints filed by the public about state employees.

40           **1. Communications with agency.** Any state agency that  
42 receives a complaint about a state employee or a group of state  
employees shall file notice of the complaint with the Bureau of  
44 Human Resources. If the complaint is first filed with the  
bureau, the bureau shall provide notice to the agency.

46           **2. Investigation.** The director may direct an investigation  
48 into any complaint filed under subsection 1.

3. Communication with public. The Bureau of Human Resources shall provide in writing to the person making a complaint under subsection 1, to the extent not otherwise prohibited by law:

A. A monthly status report on the complaint until final notice of resolution;

B. A description of what measures are being undertaken by the agency, in which the employee who is the subject of the complaint is employed, to address the complaint and ensure that a similar complaint is not justified in the future; and

C. Any changes in employee status, changes in agency procedures and any findings of the Bureau of Human Resources that occur as a result of the complaint.

4. Rulemaking. The Bureau of Human Resources may adopt routine technical rules pursuant to chapter 375, subchapter 2-A necessary to implement this section.

## SUMMARY

This bill establishes a procedure whereby a member of the public will be kept informed about a complaint made against a state employee. Under the bill, the Department of Administrative and Financial Services, Bureau of Human Resources is the liaison between the public and the agency in which the state employee works.