

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to S.P. 658, L.D. 1741, Bill, "An Act To Encourage Reporting of Potential Fraud in State Government"

Amend the amendment by striking out all of section 1 and inserting in its place the following:

Sec. 1. 3 MRSA §995, sub-§5 is enacted to read:

5. Coordination with State Auditor; complaints alleging fraud, waste, inefficiency or abuse. The director may access confidential information disclosed by the State Auditor under Title 5, section 244-D, subsection 3 in order to ensure appropriate agency referral or coordination between agencies to respond appropriately to all complaints made under Title 5, section 244-D.

Sec. 2. 5 MRSA §244-D is enacted to read:

§244-D. Referral service; confidentiality; public records

1. Identity confidential. The identity of a person making a complaint alleging fraud, waste, inefficiency or abuse through a hotline or other referral service established by the State Auditor for the confidential reporting of fraud, waste, inefficiency and abuse in State Government is confidential and may not be disclosed, unless the person making the complaint agrees in writing to the disclosure of that person's name.

2. Contents of complaint confidential. A complaint alleging fraud, waste, inefficiency or abuse made through a hotline or other referral service established by the State

2 Auditor for the confidential reporting of fraud, waste,
inefficiency and abuse in State Government and any resulting
4 investigation is confidential and may not be disclosed except as
provided in subsections 3 and 4.

6 3. Coordination with Office of Program Evaluation and
Government Accountability and Attorney General. The State
8 Auditor may disclose information that is confidential under this
section to the Director of the Office of Program Evaluation and
10 Government Accountability and the Attorney General to ensure
appropriate agency referral or coordination between agencies to
12 respond appropriately to all complaints made under this section.

14 4. Reports. For each complaint under this section, the
State Auditor shall submit a written report to the Governor and
16 publish the report on the auditor's publicly accessible website.
The report must include a detailed description of the nature of
18 the complaint, the office, bureau or division within the
department or any agency that is the subject of the complaint,
20 the determination of potential cost savings, if any, any
recommended action and a statement indicating the degree to which
22 the complaint has been substantiated. The report must be
submitted no later than 120 days after the State Auditor receives
24 the complaint. In addition, the State Auditor shall publish a
semiannual report to the Governor and Legislature of the
26 complaints received by the hotline or other referral service,
which may be electronically published. The report must include
28 the following information:

30 A. The total number of complaints received;

32 B. The number of referrals of fraud or other criminal
conduct to the Attorney General;

34 C. The number of referrals of agency performance issues to
36 the Office of Program Evaluation and Government
Accountability; and

38 D. The number of investigations by the State Auditor by
40 current status whether opened, pending, completed or closed.

42 5. Repeal. This section is repealed July 1, 2009.

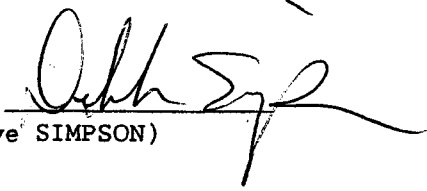
44 **Sec. 3. Establishment of referral criteria; report.** Prior to
46 commencement of a hotline or other referral service established
by the State Auditor to receive complaints of fraud, waste,
48 inefficiency or abuse in State Government, the State Auditor, the
Attorney General and the Director of the Office of Program
Evaluation and Government Accountability shall work together to
50 establish criteria for the referral of such

complaints received and coordination of the response between the
appropriate agencies. The State Auditor shall report the results
of this effort to the joint standing committee of the Legislature
having jurisdiction over state and local government matters no
later than 30 days following development of the criteria or at
the next meeting convenient for the committee to receive the
report.'

SUMMARY

This amendment allows a person making a complaint through a
hotline or other referral service to allow that person's name to
be disclosed if the person agrees in writing. It imposes a
requirement that the State Auditor publicly report the
identification of cost savings as a result of the investigation.
The report must include recommendations for any action necessary
to achieve the cost savings. The amendment also requires the
State Auditor to submit a written report to the Governor and
publish on the auditor's publicly accessible website all other
complaints within 120 days of the receipt of the complaint,
indicating the nature of the complaint, the agency that is the
subject of the complaint and the degree to which the complaint
was substantiated. This amendment also requires the State
Auditor, the Attorney General and the Director of the Office of
Program Evaluation and Government Accountability to jointly
establish criteria for the referral to the appropriate agency of
complaints received by that hotline or other referral service
maintained by the State Auditor and for coordination of
response. The State Auditor is required to report the criteria
to the joint standing committee of the Legislature having
jurisdiction over state and local government matters no later
than 30 days following development of the criteria or at the next
convenient meeting of the committee.

FISCAL NOTE REQUIRED (See attached)

SPONSORED BY: 
(Representative SIMPSON)

TOWN: Auburn



122nd MAINE LEGISLATURE

LD 1741

LR 2790(11)

An Act To Encourage Reporting of Potential Fraud in State Government

Fiscal Note for House Amendment "C" to Committee Amendment "A"

Sponsor: Rep. Simpson

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Costs associated with this legislation can be absorbed by the Department of Audit, the Department of the Attorney General and the Office of Program Evaluation and Governmental Accountability utilizing existing budgeted resources.