

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ms
R.O.S.

L.D. 1741

DATE: 3-31-06

(Filing No. S-543)

JUDICIARY

Reported by:

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
122ND LEGISLATURE
SECOND REGULAR SESSION

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

Amend the bill by striking out the title and substituting the following:

'An Act To Encourage Reporting of Potential Fraud, Waste, Inefficiency and Abuse in State Government'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 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.

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

3. Public records. Records kept pursuant to this section are public records as described in this subsection.

COMMITTEE AMENDMENT

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 658, L.D. 1741

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48

A. The State Auditor shall publish a report of each complaint alleging fraud, waste, inefficiency or abuse. The report must include a detailed description of the nature of the complaint, the identity of the person or persons who are the subject of the complaint and a statement indicating the degree to which the complaint has been substantiated.

(1) Except as provided in subparagraph (2), this report must be published not later than 90 days after the State Auditor receives the complaint.

(2) If the State Auditor's investigation is not substantially completed within the 90-day period described in subparagraph (1), the State Auditor shall publish the complaint without disclosing the identity of the person or persons who are the subject of the complaint. At the conclusion of the investigation or within 180 days of the receipt of the complaint, whichever is earlier, the State Auditor shall publish the full report as required by this paragraph.

B. The State Auditor shall prepare an annual summary of the complaints received by the hotline or other referral service. The summary must include the following information:

(1) The total number of complaints received;

(2) The number of referrals of fraud or other criminal conduct to the Attorney General;

(3) The number of referrals of agency performance issues to the Office of Program Evaluation and Governmental Accountability;

(4) The number of investigations conducted;

(5) The number of substantiated complaints of waste, inefficiency and abuse, including the type of waste, inefficiency or abuse and the corrective action recommended; and

(6) Any other information that describes the operation of the hotline or other referral service and the investigations.

4. Repeal. This section is repealed July 1, 2009.'

R.O.S.

2

SUMMARY

4

This amendment replaces the bill.

6

8

10

12

14

16

18

20

22

24

26

28

This amendment establishes confidentiality protections for certain information if the State Auditor creates a hotline or other referral service for the confidential reporting of fraud, waste, inefficiency and abuse in State Government. This amendment provides confidentiality of the identity of a person making a complaint alleging fraud, waste, inefficiency or abuse in State Government to a hotline or other referral service established by the State Auditor for confidential reporting. It also provides that the content of the complaint is confidential, except that the State Auditor shall publish a report of each complaint alleging fraud, waste, inefficiency or abuse. The report must include a detailed description of the nature of the complaint, the identity of the person or persons who are the subject of the complaint and a statement indicating the degree to which the complaint has been substantiated. The report must be published not later than 90 days after the State Auditor receives the complaint, unless the investigation is not substantially completed within that time period. In such a case, the State Auditor shall publish the complaint without disclosing the identity of the person or persons who are the subject of the complaint. At the conclusion of the investigation or within 180 days of the receipt of the complaint, whichever is earlier, the State Auditor shall publish the full report.

30

32

34

36

In addition, the State Auditor must submit an annual summary of the complaints made to the hotline or other referral service. The summary must provide aggregate information, including the number of referrals to the Attorney General for fraud or other criminal conduct and the number of referrals to the Office of Program Evaluation and Governmental Accountability for performance issues.

38

40

42

44

This amendment includes a repeal date for these provisions of July 1, 2009.

FISCAL NOTE REQUIRED
(See attached)



122nd MAINE LEGISLATURE

LD 1741

LR 2790(02)

An Act To Encourage Reporting of Potential Fraud in State Government

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund