

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)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature
AT THE FIRST SPECIAL SESSION
January 19, 1976 to April 29, 1976
AND THE SECOND SPECIAL SESSION
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

cated to the Lobster Fund for the purpose of purchasing seed lobsters from Maine lobster pound owners. Fees allocated to the fund in any one year and not obligated or expended by December 31st of that year shall be paid over to the Boat Fund as herein established.

The commissioner shall expend the money in the Boat Fund for the purpose of purchasing suitable boats for the use of Maine coastal wardens in the performance of their duties.

The Boat Fund shall not lapse. Fees allocated in any year not used in that year may be used in any succeeding year. If the boats purchased replace boats presently owned by the department for the use of coastal wardens, funds received from the sale of these boats shall be allocated to the Boat Fund.

Effective July 29, 1976

CHAPTER 715

AN ACT to Increase the Efficiency of the Investigation and Prosecution of Fraud Against the State.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the investigation and prosecution of fraud perpetrated against the State is currently carried out by several state agencies in a fragmented and inefficient manner; and

Whereas, the efficient investigation and prosecution of all types of fraud against the State is a matter requiring immediate attention; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA §§ 200-C and 200-D are enacted to read:

§ 200-C. State Fraud Division

1. **Establishment.** The Attorney General is authorized to create a State Fraud Division, hereinafter referred to in this section as the "division," within the Department of the Attorney General.

2. **Purpose.** The purpose of the division shall be to investigate and prosecute, including actions for civil recovery, any act of fraud or attempted fraud

perpetrated against the State or any department, agency or commission thereof. The division shall not have primary responsibility for the investigation of any act of fraud or attempted fraud or incident of commingling or misapplication of funds pursuant to Title 22, section 13, subsection 2.

3. Cooperation, information. All agencies of the State and municipal governments shall cooperate fully with the division, rendering any assistance requested by the division. Every head of a department, bureau, division, commission or any other unit of State Government shall report in writing to the division any suspected act of fraud or attempted fraud or violation of any law in connection with funds of the State. Any such act or violation involving funds administered by the Department of Human Services shall be reported pursuant to Title 22, section 13, subsection 3.

All information in the files of any department, commission or agency of State Government, regardless of any statute relating to confidentiality, shall be available to the division for use in connection with its official purpose.

§ 200-D. Complaints and investigative records confidential

Notwithstanding any other provision of law, all complaints and investigative records of the Department of the Attorney General shall be and are declared to be confidential.

Sec. 2. 5 MRSA § 242-A, as enacted by P&SL 1971, c. 179, § J, § 1, and as amended, is repealed.

Sec. 3. 22 MRSA § 13 is enacted to read:

§ 13. Human Services Fraud Investigation Unit

1. Establishment; composition. The Commissioner of Human Services is authorized to create within the department a Human Services Fraud Investigation Unit, hereinafter referred to in this section as the "unit." The commissioner is authorized to employ and assign to the unit such employees as he deems appropriate.

2. Purpose. The purpose of the unit shall be to investigate reported acts of fraud or attempted fraud or incidents of commingling or misapplication of funds in connection with, but not limited to, the requesting, obtaining, receiving, withholding, recording, reporting, expending or handling of funds administered by the department. The unit shall investigate such reported acts or incidents involving, but not limited to, recipients, providers and vendors receiving or applying for services or funds administered by the department.

3. Cooperation; information. All agencies of the State and municipal governments shall cooperate fully with the unit, rendering any assistance requested by the unit. Every head of a department, bureau, division, commission or any other unit of State Government shall report in writing to the unit all information concerning any suspected incident of fraud or attempted fraud or violation of any law in connection with funds administered by the department.

PUBLIC LAWS, 1975

4. Violation of law; action. Whenever the unit determines that a fraud, attempted fraud or a violation of law in connection with funds administered by the department may have occurred, it shall report in writing all information concerning such fraud or violation to the Attorney General or his delegate for such action as he may deem appropriate, including civil action for recovery of funds and criminal prosecution by the Department of the Attorney General. The unit shall, upon request of the Attorney General and in such a manner as he deems appropriate, assist in the recovery of funds.

Sec. 4. Transitional provisions.

1. Personnel. No later than the effective date of this Act, the director of the Fraud Investigation Division, Department of Audit, shall be transferred to the new Fraud Investigation Unit, Department of Human Services, and the 2 investigators and the secretary of the Fraud Investigation Division, Department of Audit, shall be transferred to the new State Fraud Division, Department of the Attorney General. The employment of these persons shall not be terminated solely as a result of their transfers.

2. Equipment, property and records. All equipment, property and records of the Fraud Investigation Division, Department of Audit, shall be relocated under this Act to the State Fraud Division, Department of the Attorney General and to the Fraud Investigation Unit, Department of Human Services no later than the effective date of this Act.

Sec. 5. Appropriation. There is transferred from the Department of Audit for fiscal years 1975-76 and 1976-77 the sum of \$80,655; \$52,149 to the Department of the Attorney General and \$28,506 to the Department of Human Services. The breakdown shall be as follows:

	1975-76	1976-77
AUDIT, DEPARTMENT OF		
Personal Services	(4) (\$12,656)	(4) (\$51,113)
All Other	(\$ 3,161)	(\$13,725)
ATTORNEY GENERAL, DEPARTMENT OF		
Personal Services	(3) \$ 7,854	(3) \$32,237
All Other	2,258	9,800
HUMAN SERVICES, DEPARTMENT OF		
Personal Services	(1) \$ 4,802	(1) 18,876
All Other	903	3,925

The transfer of funds involves removing the Fraud Investigation Division from the Department of Audit and redeploying the 4 positions to the Division to the Attorney General's Office and to the Department of Human Services.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect April 1, 1976.

Effective April 1, 1976

CHAPTER 716

AN ACT to Change County Budgets to an Annual Basis.

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

Sec. 1. 30 MRSA § 252, first 4 ¶'s, as last amended by P.L. 1971, c. 380, §§ 1, 2 and 3, are further amended to read:

In order to assess a county tax, county commissioners, prior to December 1st ~~before the convening of the Legislature in each year~~, shall prepare estimates of the sums necessary to defray the expenses which have accrued or may probably accrue for the coming year, including the building and repairing of jails, courthouses and appurtenances, with the debts owed by their counties ~~and like estimates for the succeeding year~~, and after newspaper notice, written notices of which shall be transmitted by registered or certified mail with return receipt requested to the clerk of each municipality in said county and to each member of the Legislature of said county, hold a public hearing thereon in the county, prior to December 20th ~~and the county tax for both said years shall be granted by the Legislature separately at the same session.~~

Such estimates shall be drawn so as to authorize the appropriations to be made to each department or agency of the county government for ~~each the year of the biennium~~. Such estimates shall provide specific amounts for personal services, contractual services, commodities, debt service and capital expenditures. Said estimates shall be made on such forms and in such manner as shall be approved by the State Department of Audit. A copy of such estimate shall be distributed to each municipality in said county and to each member of the legislative delegation of said county, at least 10 days prior to meeting of December 20th.

Copies of such forms shall be transmitted to the county commissioners of each county by the office of the Secretary of State no later than October 10th of each ~~biennium year~~.

Prior to the convening of the Legislature, the county commissioners of each county shall meet with the respective county legislative delegation to finalize estimates for ~~each the year of the biennium~~.

Sec. 2. 30 MRSA § 253, first ¶, as last amended by P.L. 1971, c. 380, § 4, is further amended to read: