

MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
STATE GOVERNMENT
BILL SUMMARY



JULY, 1985

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ONE HUNDRED AND TWELFTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
JULY 1985

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature, covering the First Regular Session of the 112th Legislature. The summaries are arranged by LD number and indexed separately by committee.

challenged franking and telephone charges of House members in cases where they seemed to violate the Post Office standard or legislator ethics.

LD: 1307 AN ACT TO ESTABLISH THE OFFICE OF THE SMALL BUSINESS OMBUDSMAN

BOTT
MURPHY T
ZIRNKILTON
MARTIN J

LU-WD HOUSE Accepted Committee Report
SENATE Accepted Committee Report
GOV

SUMMARY:

LD 1307 proposed to create an Office of the Small Business Ombudsman to serve as an advocate of small business and provide services to small business. The bill was proposed not only to assist small business, the backbone of the Maine economy, but also to improve the state's business climate rating. In addition to the ombudsman, the bill established a small business Advisory Council.

The bill was withdrawn following the suggestion that the Joint Select Committee on Economic Development study the issue and make recommendations to the Legislature.

LD: 1322 AN ACT CONCERNING GOVERNMENTAL OVERSIGHT

SPROUL
RACINE
SIMPSON
MAYBURY

LU-WD HOUSE Accepted Committee Report
SENATE Accepted Committee Report
GOV

SUMMARY:

LD 1322 proposed to establish a "hotline" by which individuals could report abuse of authority, mismanagement, negligence, fraud, and violations of laws and rules to the staff of the Joint Standing Committee on Audit and Program Review. If the committee staff and the committee members determined that there was substantial likelihood that the information reported via the "hotline" was correct, the committee would notify the department or agency, in writing, of the problem. The department or agency would then be required to conduct an investigation and issue a written report. The report from the department to the Committee would include a description of the investigation, the evidence obtained, the violations of laws or rules, and any corrective measures that will be taken.

A copy of the agency report to the Audit and Program Review Committee would be provided to the original

complainant for this person's evaluation. The complainant's identity would be kept confidential.

The Audit and Program Review Committee is authorized to request the Attorney General to conduct an investigation into any matters arising from the reporting of information to the Committee.

The purpose of the bill is to encourage state employees and the general public to report cases of mismanagement, abuse, and unlawful activities in state government.

The confidentiality of identity of informants is the real crux of the bill. Currently, the Whistleblower's Protection Act provides protection to any public or private sector employee who reports information to the proper authorities with respect to unlawful activities. A bill allowing state employees to testify before legislative committees with respect to agency programs and operations enables state employees to provide information that may reveal mismanagement, negligence, and abuse.

Current laws relating to the reporting of unlawful activities, mismanagement, and abuse, however, do not keep the identity of informants confidential, which is the crux of the whole issue.

The bill was withdrawn by the sponsor following the committee's concern about the protection afforded the accused who is "innocent until proven guilty." The issue was whether persons with axes to grind could ruin another state employee's reputation. The questions of witch-hunts and other nefarious activities were also raised.

LD: 1324 AN ACT TO IMPROVE THE FUNCTIONING OF THE
MAINE MILK COMMISSION

MICHAEL
ALLEN
MCGOWAN
CARPENTER

OTP HOUSE Enacted
SENATE Enacted
GOV

SUMMARY:

LD 1324 proposed to subject to legislative confirmation commissioners named by the Governor to the Maine Milk Commission. The commissioners would be subject to review by the Committee on Agriculture. The Maine Milk Commission, like the State Lottery Commission, in the opinion of the State Government Committee, makes very substantive decisions that have a significant impact upon the State. confirmation is an additional protective