

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

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KENNEBEC JOURNAL
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in the affirmative, and 22 having voted in the negative, the motion did not prevail.

Thereupon, the Majority Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate the fourth tabled and Specially Assigned matter:

Bill, "An Act to Classify the Positions of Director of Program Review and Evaluation in the Department of Audit, Director of Fraud Investigation in the Department of Audit, and of Employees of the Fraud Investigation Division in the Department of Audit." (H. P. 1992) (L. D. 2174)

Tabled — March 17, 1976 by Senator Berry of Cumberland.

Pending — Enactment.

(In the House — Passed to be Enacted)

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: This bill has had a somewhat checkered path of progress through the legislature and I am going to make a move to indefinitely postpone the bill, and will speak to my motion.

The basic concept here was that the Department of Human Services had a need for investigation, and they indicated prosecution of fraud in connection with welfare cases. This was an important recommendation of the federal audit which we had completed. The Performance Audit Committee received the bill which provided that, in order to buttress the ability of the Department to investigate, that four people in the Bureau of Audit would be transferred to the Attorney General's Department, with the prime purpose of working professionally under the Attorney General and investigating fraud of all kinds but fraud on welfare cases in particular. This provision is in another bill which is in the process of going through the legislature.

This particular bill that we are referring to here I believe was probably conceived in the mind of the affected personnel in the Bureau of Audit. Regardless, the thrust of the bill is that these people would be given classified service status, which they do not at the present have. If they stayed in the Bureau of Audit they would not have classified service. Possibly the intent was to give these people classified service and "protection" upon their new assignment.

However, the committee reported the bill out at that stage of the game ought to pass. Subsequently, we received some communications from the interested departments; namely, Personnel, Department of Human Resources, and the Attorney General's Department. There might be a mild protest that this criticism should have come up at the hearing, but I don't believe we can be too critical of their failure to appear. But since the hearing and since the bill got into the process here, I personally talked with the three departments, and I am firmly convinced that the bill should not pass. The three departments do not want it. The Personnel people say it violates the spirit and letter of the personnel law and, if we were to pass it, we would be encouraging everybody in similar situations to rush to the legislature to get special legislation. Both the Attorney General's Department, under

whom the professional work will be done, and the Department of Human Resources feel that they would like to have these people come in and then go through the regular classified process like all state employees do. So with that explanation, I would move that the bill be indefinitely postponed, Mr. President.

The PRESIDENT: Is it now the pleasure of the Senate that this bill and all accompanying papers be indefinitely postponed?

The motion prevailed.

Sent down for concurrence.

The President laid before the Senate the fifth tabled and Specially Assigned matter:

Resolution, Proposing an Amendment to the Constitution to Assure Revenues for Bond Service and Prohibit State Bonding of Current Expenditures. (S. P. 689) (L. D. 2206)

Tabled — March 17, 1976 by Senator Corson of Somerset.

(In the House — Finally Passed)

(In the Senate — Finally Passed; subsequently Final Passage Reconsidered)

Pending — the motion by the Senator from Somerset, Senator Corson to Reconsider Final Passage.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President and Members of the Senate: After we had finally passed this amendment yesterday, Senator Katz and I both received a communication from the Department of Education which indicates their concern that passage of this amendment in its form at this time might jeopardize bond issues which have been previously approved yet are still pending sales of some of the bonds. At this moment the Attorney General's Office is researching this matter, hopefully to clarify it and possibly suggest some amendments as soon as they find out what the status actually is. I would hope at this time that some kind soul might see fit to table this matter.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Thereupon, on motion by Mr. Speers of Kennebec, retabled and Specially Assigned for March 25, 1976, pending the motion by Mr. Corson of Somerset to Reconsider Final Passage.

(Off Records Remarks)

On motion by Mrs. Cummings of Penobscot,

Adjourned until 11:30 tomorrow morning.