

Testimony of Senator Roger Katz In Support of
LD 1044 *'An Act to Amend the Laws Governing Eligibility for Disability Retirement Benefits'*
Before the Appropriations and Financial Affairs Committee
April 7, 2017

Senator Hamper, Representative Gattine and distinguished members of the Appropriations and Financial Affairs Committee, my name is Roger Katz and it is my pleasure to present to you LD 1044, a simple bill to fix a serious problem.

In addition to serving on this committee, I have the pleasure of chairing the Government Oversight Committee. It was in that capacity I became familiar with Sharon Leahy-Lind and the document shredding scandal that plagued the Maine CDC a few years ago. A 2013 report¹ produced by the Office of Program Evaluation & Government Accountability and accepted by the GOC exposed "multiple weaknesses" in the Maine Center for Disease Control's funding protocols for the Healthy Maine Partnerships in 2012/2013 and brought to light deeply concerning mismanagement of public documents and millions of dollars of taxpayer money. Ms. Leahy-Lind is specifically referenced in her capacity as the former Director of Local Public Health as an important source of information in the OPEGA report.²

Ms. Leahy-Lind's testimony to the Government Oversight Committee in March of 2014 described not only the document shredding scandal but physical assaults committed against her and other forms of harassment when she refused to participate. The conditions of her

¹ Healthy Maine Partnerships' FY13 Contracts and Funding, December 2013 (as revised January 2014)

² See page 25 of OPEGA report under the heading "Staff Were Instructed to Destroy Documents," wherein it states, "Several observations from this report were made possible based on the documentation they retained."

employment became intolerable and she was forced to resign from a position she loved. Months after she left state employment, Leahy-Lind was diagnosed with pancreatic cancer and rendered completely unable to work. Unfortunately, she has been denied federal and state disability income benefits because a crack in the law through which she fell. LD 1044 will resolve this and protect people like Sharon who serve the public and deserve to be protected.

Maine law encourages public employees to bring to light unlawful, unsafe and unethical practices and seeks to protect them as whistleblowers. The legislature has also made clear that access to public records and transparency are of paramount concern. Sharon's role in refusing to shred public documents served the State of Maine, as did her reporting corruption in the process to allocate scarce resources and potentially unlawful activity. Our freedom of access laws and Whistleblower Protection Act are supposed to protect Maine state employees who report unlawful behavior.

Title 5³ further states "it is the intent of the Legislature to encourage qualified persons to seek public employment and to continue in public employment during their productive years. It is further the intent of the Legislature to assist these persons in making provision for their retirement years by establishing benefits reasonably related to their highest earnings and years of service and by providing suitable disability and death benefits."

Sharon Leahy-Lind and people like her who provide an important public service to the state should not be denied disability benefits if they were forced out of a job in violation of the law. Bonafide whistleblowers should receive disability income benefits and LD 1044 would make that happen. Thank you.

³ 5 M.R.S.A. §17051