



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1074

H.P. 767

House of Representatives, March 19, 2013

**An Act To Deny Employment-related Benefits to State Employees
Convicted of a Felony Involving the Misuse or Theft of Government
Funds**

Reference to the Committee on State and Local Government suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative KUSIAK of Fairfield. (BY REQUEST)

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

2 **Sec. 1. 3 MRSA §2**, as amended by PL 2011, c. 380, Pt. QQQQ, §1, is further
3 amended by adding at the end a new paragraph to read:

4 The salary, expenses and travel of a member under this section are subject to the
5 provisions of Title 5, section 7051, subsection 8 and section 17062, subsection 1,
6 paragraph A-1.

7 **Sec. 2. 5 MRSA §7051, sub-§8** is enacted to read:

8 **8. Compensation after conviction of a crime involving theft or misuse of public**
9 **funds. Notwithstanding the provisions of subsection 7 or any applicable labor contract, if**
10 **a classified or unclassified employee is convicted of a crime with penalties equal to or**
11 **greater than the penalties for a Class C crime and the crime involved the misuse or theft**
12 **of public funds, the court shall order the forfeiture of the employee's right to receive any**
13 **earned or future compensation or benefit of any kind from the State.**

14 **Sec. 3. 5 MRSA §17062, sub-§1, ¶A**, as enacted by PL 2011, c. 606, §12, is
15 amended to read:

16 A. If the penalties for the crime are ~~greater than or~~ equal to or greater than the
17 penalties for a Class C crime, except for a crime under paragraph A-1, the court may
18 order the forfeiture of the member's right to receive any benefit or payment of any
19 kind under this Part except a return of the amount contributed by the member to the
20 retirement system without interest, subject to paragraph B.

21 **Sec. 4. 5 MRSA §17062, sub-§1, ¶A-1** is enacted to read:

22 A-1. If the penalties for the crime are equal to or greater than the penalties for a
23 Class C crime and the crime involved the misuse or theft of public funds, the court
24 shall order the forfeiture of the member's right to receive any benefit or payment of
25 any kind under this Part.

26 **Sec. 5. 17-A MRSA §1160** is enacted to read:

27 **§1160. Crimes by state employees involving theft or misuse of public funds**

28 If a person is convicted of a crime involving the theft or misuse of public funds
29 committed while the person was an employee of the State and the penalties for the crime
30 are equal to or greater than the penalties for a Class C crime, the court shall follow the
31 provisions of Title 5, section 7051, subsection 8 and section 17062, subsection 1,
32 paragraph A-1.

33 **SUMMARY**

34 This bill provides that if a person is convicted of a crime with penalties equal to or
35 greater than the penalties for a Class C crime and the crime involves the misuse or theft
36 of public funds and was committed when the person was a state employee, a court must

1 order the forfeiture of any earned or future compensation or benefits, including benefits
2 under the Maine Public Employees Retirement System.