



125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1831

H.P. 1351

House of Representatives, February 23, 2012

**An Act To Allow Forfeiture of Maine Public Employees Retirement
System Benefits for Persons Convicted of Certain Crimes**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative FOSSEL of Alna.
Cosponsored by Senator KATZ of Kennebec and
Representatives: BENNETT of Kennebunk, BURNS of Whiting, COTTA of China, CURTIS of Madison, ESPLING of New Gloucester, GILLWAY of Searsport, GUERIN of Glenburn, HARVELL of Farmington, KESCHL of Belgrade, MALABY of Hancock, O'CONNOR of Berwick, OLSEN of Phippsburg, PARRY of Arundel, PICCHIOTTI of Fairfield, RIOUX of Winterport, SANDERSON of Chelsea, SARTY of Denmark, SIROCKI of Scarborough.

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

2 **Sec. 1. 5 MRSA §17813** is enacted to read:

3 **§17813. Forfeiture of benefits for crime; restitution**

4 Notwithstanding section 17054 or any other provision of this Part, if a member is
5 convicted of or pleads guilty or no contest to a crime committed in connection with the
6 member's public office or public employment or to a crime the member's position placed
7 the member in a position to commit:

8 **1. Forfeiture of retirement benefit.** If the penalties for the crime are greater than or
9 equal to a Class C crime, the court may order the forfeiture of the member's right to
10 receive any benefit or payment of any kind under this Part except a return of the amount
11 contributed by the member to the retirement system without interest; and

12 **2. Restitution.** If the court orders the member to make restitution to the State or any
13 political subdivision of the State for monetary loss incurred as a result of the crime, the
14 court may order that restitution payments be made by the retirement system from
15 amounts credited to the member's account.

16 **SUMMARY**

17 This bill permits a court to order the forfeiture of benefits of a public employee who
18 is a member of the Maine Public Employees Retirement System if the member is
19 convicted of a crime for which the penalties are equal to or greater than a Class C crime if
20 the crime is committed in connection with the member's public office or public
21 employment or if the member's position placed the member in a position to commit the
22 crime.

23 The bill also provides that amounts credited to the account of a member of the
24 retirement system are available to pay any court-ordered restitution for economic loss
25 suffered by the State or a political subdivision of the State as the result of the crime.