

MAINE STATE LEGISLATURE

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L.D. 2383
(Filing No. S-430)

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STATE OF MAINE
SENATE
113TH LEGISLATURE
SECOND REGULAR SESSION

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COMMITTEE AMENDMENT "A " to S.P. 914, L.D. 2383,
Bill, "AN ACT Relating to Legal Expenses Incurred by
State Employees in the Execution of their Official
Duties."

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Amend the bill by striking out all of the title
and inserting in its place the following:

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'AN ACT to Create the Commission to Examine Issues
Relating to Legal Expenses Incurred by State Employees
in the Execution of their Official Duties and Related
Disciplinary Issues.'

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Further amend the bill by striking out everything
after the enacting clause and inserting in its place
the following:

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Sec. 1. Commission created; duties. There is
established the Commission to Examine Issues Relating
to Legal Expenses Incurred by State Employees in the
Execution of their Official Duties and Related
Disciplinary Issues. The commission shall review and
analyze the current process by which state employees
are reimbursed or denied reimbursement with respect to
legal expenses that they incur as a result of charges
or actions taken against them during the
implementation of their official duties. The
commission shall determine any deficiencies, if any,
that may exist in the current process and the means to

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COMMITTEE AMENDMENT " A " to S.P. 914, L.D. 2383

1 correct these deficiencies.

2 In conducting this review and analysis, the
3 commission shall strive to obtain the following data:

4 1. The number of state employees who have been
5 the subject of criminal charges arising out of conduct
6 which was within the scope of employment with the
7 State;

8 2. The number of these employees who were
9 acquitted, and the legal costs incurred in the defense
10 of the charges;

11 3. The number of state employees acquitted who
12 were disciplined or dismissed from employment as a
13 result of the charges; and

14 4. The number who were convicted of criminal
15 charges and dismissed.

16 The commission shall propose legislation by which
17 state employees will be selected for reimbursement of
18 legal expenses incurred in defense of criminal charges
19 arising within the scope of employment. In addition,
20 the proposed legislation shall establish standards by
21 which these legal expenses will be reimbursed. The
22 commission shall also propose standards for
23 disciplinary action in all cases where state employees
24 are charged with criminal actions arising within the
25 scope of employment.

26 Sec. 2. Commission membership. The commission
27 shall consist of a total of 6 members, 5 of whom shall
28 be members of the Joint Standing Committee on State
29 and Local Government and one employee representative
30 from a state employment organization. The Speaker of
31 the House shall appoint 3 Representatives and the
32 President of the Senate shall appoint 2 Senators to
33 the commission.

34 Sec. 3. Commission compensation. Legislative
35 commission members shall receive legislative per diem
36 and expenses, as defined in Title 3, section 2, for
37 days of attendance at committee meetings.

