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

3	STATE OF MAINE
4	SENATE
5	113TH LEGISLATURE
6	SECOND REGULAR SESSION

7 COMMITTEE AMENDMENT "A" to S.P. 914, L.D. 2383, 8 Bill, "AN ACT Relating to Legal Expenses Incurred by 9 State Employees in the Execution of their Official 10 Duties."

11 Amend the bill by striking out all of the title 12 and inserting in its place the following:

'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.'

17 Further amend the bill by striking out everything 18 after the enacting clause and inserting in its place 19 the following:

20 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 21 22 23 Disciplinary Issues. The commission shall review and analyze the current process by which state employees 24 25 26 are reimbursed or denied reimbursement with respect to 27 legal expenses that they incur as a result of charges 28 or actions taken against them during the 29 implementation of their official duties. The 30 commission shall determine any deficiencies, if any, that may exist in the current process and the means to 31

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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.

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

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

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Sec. 4. Commission meetings; staff; assistance. ٦ 2 Executive Director of the Legislative Council The 3 shall convene the first meeting of the commission no 4 later than July 1, 1988. The commission shall elect a chairman from the membership at the first meeting. 5 The commission shall hold up to 5 meetings as necessary to carry out its responsibilities. The number of meetings may be extended by the Legislative 6 7 8 9 Council if requested by the commission. The 10 provide staff Legislative Council shall to the The Department of the Attorney General, 11 commission. 12 the Commissioner of Public Safety and the commissioner 13 Administration shall provide of assistance as 14 requested to the commission. Sec. 5. Report. The commission shall report its findings and recommendations, including any suggested 15 16

findings and recommendations, including any suggested legislation, to the First Regular Session of the 114th Legislature.

19 Sec. 6. Appropriation. The following funds are 20 appropriated from the General Fund to carry out the 21 purposes of this Act.

1988-89

\$4,375

23 LEGISLATURE

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24	Study Commissions - Funding	
25	Personal Services	\$1,375
26	All Other	3,000

28 Total

29	Provides	for	the	per
30	diem,	trave:	1	and
31	related	expense	es of	5
32	Legislato	rs o	of	the
33	commission	n and	for	the
34	printing of	of the	repor	t.

35 FISCAL NOTE

36 The fiscal impact of this bill is accurately 37 reflected in the appropriation section.'

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STATEMENT OF FACT

2 This amendment replaces the bill requiring state 3 reimbursement of legal expenses of public employees 4 who are criminally charged for conduct arising out of 5 employment with a study of related issues. The study 6 would focus on state employees' legal fees and 7 disciplinary actions taken against these individuals.

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Reported by the Majority for the Committee on State and Local Government. Reproduced and Distributed Pursuant to Senate Rule 12. (4/8/88) (Filing No. S-430)

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