

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1105

H.P. 758

House of Representatives, March 1, 2005

An Act To Impose Liability for the Illegal Withholding or Transfer of Public Funds or Property

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative TRAHAN of Waldoboro.
Cosponsored by Senator COURTNEY of York and
Representatives: BOWEN of Rockport, BOWLES of Sanford, CROSTHWAITE of Ellsworth,
LEWIN of Eliot, McLEOD of Lee, MILLETT of Waterford, OTT of York, Senator: DAVIS of
Piscataquis.

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

Sec. 1. 5 MRSA §1550-B is enacted to read:

**§1550-B. Officers liable for costs of collection of public funds
or property improperly withheld or transferred**

A state officer or employee or any other custodian of public funds or property who improperly withholds the public funds from the state treasury or other authority whose duty it is to receive the funds or who fails to turn the property over to the proper custodian is liable for all costs of collection or recovery of funds or property, including interest on funds improperly withheld for the time the funds have been withheld and reasonable rental and damages when property belonging to the public is improperly withheld. A state officer or employee who unlawfully transfers to the officer or employee any public funds or property or who knowingly transfers public funds or property to any other person not entitled to the funds or property is liable for all costs of recovery of the funds or property.

Sec. 2. 30-A MRSA §9 is enacted to read:

**§9. Officers liable for costs of collection of public funds
or property improperly withheld or transferred**

A county officer or employee or any other custodian of public funds or property who improperly withholds the public funds from the state or county treasury or other authority whose duty it is to receive the funds or who fails to turn the property over to the proper custodian is liable for all costs of collection or recovery of funds or property, including interest on funds improperly withheld for the time the funds have been withheld and reasonable rental and damages when property belonging to the public is improperly withheld. A county officer or employee who unlawfully transfers to the officer or employee any public funds or property or who knowingly transfers public funds or property to any other person not entitled to the funds or property is liable for all costs of recovery of the funds or property.

Sec. 3. 30-A MRSA §2608 is enacted to read:

**§2608. Officials liable for costs of collection of public funds
or property improperly withheld or transferred**

A municipal official or employee or any other custodian of public funds or property who improperly withholds the public funds from the state or municipal treasury or other authority whose duty it is to receive the funds or who fails to turn the

property over to the proper custodian is liable for all costs of collection or recovery of funds or property, including interest on funds improperly withheld for the time the funds have been withheld and reasonable rental and damages when property belonging to the public is improperly withheld. A municipal official or employee who unlawfully transfers to the official or employee any public funds or property or who knowingly transfers public funds or property to any other person not entitled to the funds or property is liable for all costs of recovery of the funds or property.

SUMMARY

This bill provides that any state, county or municipal officer, official or employee that wrongfully withholds or unlawfully distributes public money or public property is liable for all costs of recovery of the money or property.