

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date May 3, 1974

To John W. Briggs, Historian

Dept. Parks and Recreation

From Lee M. Schepps, Assistant

Dept. Attorney General

Subject State employee running for office

This is in response to your memo of April 22, 1974, in which you inquired whether or not a seasonal employee of the Bureau of Parks and Recreation can run for the office of Representative to the Maine House of Representatives. As you acknowledged in your memo, State employees may not actually occupy a seat in the House of Representatives as the two positions are incompatible.

While there are no constitutional prohibitions against a State employee seeking elective office, there is a statute (Title 5 M.R.S.A. § 678, commonly referred to as the "Little Hatch Act") which prohibits classified employees from soliciting political services from anyone. This Office has expressed the opinion on several occasions in the past, and we reaffirm at this time, that active campaigning for election to the State Legislature by a classified employee is violative of Title 5 M.R.S.A. § 678.

I hope this is responsive to your request. Let me know if I can be of further assistance.

LEE M. SCHEPPS
Assistant Attorney General

LMS:mfe

STATE OF MAINE

Inter-Departmental Memorandum Date April 22, 1974

To LEE M. SCHEPPS, ASSISTANT ATTORNEY GENERAL Dept. ATTORNEY GENERAL
From JOHN W. BRIGGS, HISTORIAN Dept. BUREAU OF PARKS & RECREATION
Subject HATCH ACT?

Dear Lee:

This Bureau employs, on a seasonal basis, May through September, a certain Lafayette French of Thomaston, as the Manager of Montpelier State Memorial (A museum building with General Henry Knox memorabilia housed therein).

This man, a Colonel retired from the U.S.A.F., is an excellent cultural representative for Maine and has been working out of a sincere interest and not material gain.

Col. French has taken out papers seeking to win the Democratic Party's nomination to the House of Representatives for the 107th Legislature, in the June Primary.


While the Bureau is well aware that one duly elected to public office cannot hold a State position, we do question whether or not a person can be employed by the State while seeking a public office.

Col. French fully understands that if he should first win the nomination and then the seat he would resign his seasonal position with the Bureau. On the other hand, he does wish, and we indeed favor, that he work in his role as Manager of Montpelier from May through September.

Will you please study this situation and advise us whether or not Col. French can continue his Managerial duties until the will of the people is known?

Thank you.

Sincerely,


John W. Briggs, Historian

JWB:lp

TIF 5 3678

WCB

March 8, 1962

Mrs. Minnie Knapp
Pineland Hospital and Training Center
Pownal, Maine

Dear Mrs. Knapp:

Since talking with you relative to your candidacy for the House of Representatives I have gone over the whole situation with the Attorney General.

As has been pointed out previously, the Constitution of the State prohibits a person from holding positions in two branches of State Government at the same time. This was the basis on which I advised you that, if elected to the House of Representatives, you must resign your position before being seated in the House.

It is the opinion of this office that chapter 63, section 25 of the Revised Statutes further prohibits a person in the classified service from being a candidate for public office in a partisan election.

I have been asked to advise you of this opinion so that you may make a decision as to whether you wish to remain in your present position or be a candidate for the House.

I realize the latter part of this letter is contrary to my verbal statement to you last week. Since that time the matter has been thoroughly discussed with the Attorney General and I am conveying his opinion to you.

Very truly yours,

George C. West
Deputy Attorney General

GCW:R
cc: Peter Bowman, M.D.
cc: Perry Hayden, Commissioner