

MAINE STATE LEGISLATURE

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L.D. 1318
(Filing No. H- 168)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
111TH LEGISLATURE
FIRST REGULAR SESSION

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HOUSE AMENDMENT "**B**" to S.P. 439, L.D. 1318,
Bill, "AN ACT Pertaining to the Political Rights of
State Employees."

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Amend the Bill by striking out everything after
the enacting clause and inserting in its place the
following:

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'Sec. 1. 5 MRSA §14, as enacted by PL 1975, c.
597, is repealed.

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Sec. 2. 5 MRSA c. 1, sub-c. II is enacted to
read:

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SUBCHAPTER II

18

PARTICIPATION OF STATE OFFICERS AND EMPLOYEES

19

IN POLITICS

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§21. Definitions

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As used in this subchapter, unless the context
indicates otherwise, the following terms have the
following meanings.

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1. Election. "Election" means any primary, gen-
eral or special election for the nomination or elec-
tion of municipal, county or state officials. The
term "election," for the purpose of this subchapter,
does not include referenda.

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2. Employee or officer of this State. "Employee
or officer of this State" means classified and
unclassified employees as defined in chapters 57 and
59. "Employee or officer of this State" does not

1 include the constitutional officers of the State,
2 elected officials or employees of the Legislature.

3 §22. Prohibitions

4 The following prohibitions apply to officers and
5 employees of this State with respect to participation
6 in political affairs.

7 1. Solicitation forbidden from persons with whom
8 business is conducted. No officer or employee of
9 this State may use his official authority to influ-
10 ence, interfere with or affect an election. No offi-
11 cer or employee of this State may solicit any assess-
12 ment, subscription or contribution from any person
13 with whom the officer or employee deals in his offi-
14 cial capacity.

15 2. Solicitation from state employees forbid-
16 den. No officer or employee of this State may
17 directly or indirectly solicit any assessment, sub-
18 scription or contribution from any other state
19 employee or officer.

20 3. Solicitation restricted from state property
21 and during employee working hours. No officer or
22 employee of this State may solicit any assessment,
23 subscription or contribution from any person for any
24 political purpose in connection with any election
25 during that officer's or employee's state working
26 hours, upon the property or premises of the State or
27 by using the facilities or services of the State.

28 §23. Permissible political activities

29 Officers or employees of the State may be
30 involved in political activities as defined in this
31 section.

32 1. Candidates for office permitted only in
33 municipal elections. An officer or employee of the
34 State may be a candidate for elective office in non-

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1 partisan public elections for municipal offices, pro-
2 vided that no conflict of interest results. No offi-
3 cer or employee of the State may be a candidate for
4 elective office in public elections for county, state
5 or federal offices.

6 2. Participation in political campaigns. Except
7 as provided in this subchapter, a state officer or
8 employee of this State may participate fully in
9 political campaigns, including such activities as
10 donating his own funds, time and services or solici-
11 ting funds for political candidates, committees or
12 parties in accordance with this subchapter.

13 §24. Penalties

14 Any person who violates the provisions of this
15 subchapter commits a Class E crime.

16 Sec. 3. 5 MRSA §679-A, as enacted by PL 1975, c.
17 309, §2, is repealed.'

18 STATEMENT OF FACT

19 The intent of this amendment is to clarify the
20 bill. This amendment:

21 1. Permits state employees to run for political
22 office in nonpartisan elections for municipal offi-
23 ces, provided that a conflict of interest does not
24 result;

25 2. Prohibits state employees from running for
26 state or federal offices;

27 3. Prohibits state employees from soliciting
28 funds, assessments, etc., from other employees and
29 offices of the State;

30 4. Prohibits state employees and officers of the
31 State from soliciting funds and assessments from per-

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1 sons with whom the employees and officers deal in an
2 official capacity;

3 5. Exempts the constitutional officers of the
4 State, legislative employees and elected officials
5 from the provisions of the bill; and

6 6. Excludes referenda from the provisions of the
7 bill.

8 3549042683

Filed by Rep. Gwadosky of Fairfield
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