

MAINE STATE LEGISLATURE

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L.D. 1318
(Filing No. H- 384)

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

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

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

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597, is repealed.

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

SUBCHAPTER II
PARTICIPATION OF STATE EMPLOYEES
IN POLITICAL ACTIVITIES

§21. Definitions

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

1. Election. "Election" means any primary, gen-
eral or special election for the nomination or elec-
tion of municipal, county or state officials. "Elec-
tion" may not include referenda.

2. Employee of this State. "Employee of this
State" means an employee in the classified or unclas-
sified service, as defined in sections 671 and 711,
but shall not include an employee identified under
section 711, subsection 1, paragraphs A, B, D and E.

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1 3. Nonpartisan election. "Nonpartisan election"
2 means an election other than a partisan election.

3 4. Partisan election. "Partisan election" means
4 an election in which a candidate may be nominated or
5 elected as a representative of a party, as defined in
6 Title 21, section 1, subsection 21.

7 §22. Prohibited political activity

8 An employee of this State may not:

9 1. Interfere with an election. Use his official
10 authority or influence for the purpose of interfering
11 with or affecting the result of an election;

12 2. Coerce political contributions. Directly or
13 indirectly coerce, attempt to coerce, command or
14 advise another employee of this State to pay, lend or
15 contribute anything of value to a party, committee,
16 organization, agency or person for political pur-
17 poses; or

18 3. Solicitation from state property or during
19 working hours. Solicit or request a payment, loan or
20 contribution of anything of value to a party, commit-
21 tee, organization, agency or person for political
22 purposes during that employee's state working hours,
23 on the property or premises owned by the State or
24 using the facilities, equipment or services of the
25 State.

26 §23. Permitted political activity

27 An employee of this State may:

28 1. Candidate in nonpartisan election. Be a can-
29 didate for office in a nonpartisan election;

30 2. Candidate in partisan elections. Be a candi-
31 date for office in a local or county partisan elec-
32 tion, if, prior to filing as a candidate, he receives

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1 a written statement from his appointing authority
2 that he is not a "state or local officer or
3 employee," as defined by the United States Code,
4 Title 5, Section 1501, as amended; and

5 3. Participation in political campaigns. Except
6 as provided in section 22, participate fully in
7 political activities, including donating his own
8 funds, time or services or soliciting contributions
9 for a party, committee, organization, agency or
10 person.

11 §24. Penalty

12 A violation of section 22 is a Class E crime.

13 Sec. 3. 5 MRSA §679-A, as enacted by PL 1975, c.
14 309, §2, is repealed.'

15 STATEMENT OF FACT

16 The purpose of this amendment is to clarify this
17 bill. The provisions of this amendment are:

18 1. Prohibit state employees from interfering in
19 an election;

20 2. Prohibit state employees from coercing polit-
21 ical contributions;

22 3. Prohibit state employees from soliciting
23 political contributions during their working hours,
24 on state property or by using state facilities,
25 equipment or services;

26 4. Allows all state employees to run for nonpar-
27 tisan elective office, and allows nonfederally funded
28 state employees to run for partisan elective office
29 as well; and

30 5. Allows state employees to actively partici-

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1 pate in political activities to the extent not spe-
2 cifically prohibited by this amendment.

3 The definition of state employee in this amend-
4 ment includes all classified and unclassified employ-
5 ees, but specifically excludes elected officers, con-
6 stitutional or legislatively elected officers, judi-
7 cial officers and employees, legislative officers and
8 employees, and officers and enlisted men of the
9 National Guard or Naval Militia.

10 The definition of election excludes referendum
11 elections.

12 The prohibitions, for state employee participa-
13 tion in political activities contained in this amend-
14 ment, follow the language and policy of the federal
15 "Hatch Act;" except for the provision allowing candi-
16 dacy in partisan elections and the prohibition on
17 using state working hours or facilities, equipment
18 and services for political activity.

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Filed by Rep. Gwadosky of Fairfield
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