

L.D. 1318

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(Filing No. H-392)

3 STATE OF MAINE 4 HOUSE OF REPRESENTATIVES 5 111TH LEGISLATURE 6 FIRST REGULAR SESSION HOUSE AMENDMENT "D" to S.P. 439, L.D. 1318, 7 Bill, "AN ACT Pertaining to the Political Rights of 8 9 State Employees." 10 Amend the Bill by striking out everything after 11 the enacting clause and inserting in its place the 12 following: 13 'Sec. 1. 5 MRSA §14, as enacted by PL 1975, c. 14 597, is repealed. 15 Sec. 2. 5 MRSA c. 1, sub-c. II is enacted to 16 read: 17 SUBCHAPTER II 18 PARTICIPATION OF STATE EMPLOYEES 19 IN POLITICAL ACTIVITIES 20 §21. Definitions As used in this subchapter, unless the context 21 22 indicates otherwise, the following terms have the 23 following meanings. 1. Election. "Election" means any primary, gen-1. Election. Election means and elec-eral or special election for the nomination or elec-24 25 26 tion of municipal, county or state officials. tion" may not include referenda. 27 2. Employee of this State. "Employee of this State" means an employee in the classified or unclas-28 29 30 sified service, as defined in sections 671 and 711, 31 but shall not include an employee identified under 32 section 711, subsection 1, paragraphs A, B, D and E.

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l	3. Nonpartisan election. "Nonpartisan election"
2	means an election other than a partisan election.
3 4	<u>4. Partisan election. "Partisan election" means</u> 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.
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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 14	indirectly coerce, attempt to coerce, command or
14	advise another employee of this State to pay, lend or contribute anything of value to a party, committee,
16	organization, agency or person for political pur-
17	poses;
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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; or
26	4. Be a candidate in an election for state offi-
27	cials. Be a candidate in any election for the elec-
28	tion or nomination of state officials.
29	§23. Permitted political activity
	· · · · · · · · · · · · · · · · · · ·
30	An employee of this State may:
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31 32	1. Candidate in nonpartisan election. Be a can-
34	didate for office in a nonpartisan election;

HOUSE AMENDMENT "D" to S.P. 439, L.D. 1318

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HOUSE AMENDMENT "D" to S.P. 439, L.D. 1318

2. Candidate in partisan elections. Be a candidate for office in a local or county partisan election, if, prior to filing as a candidate, he receives a written statement from his appointing authority that he is not a "state or local officer or employee," as defined by the United States Code, Title 5, Section 1501, as amended; and

8 <u>3. Participation in political campaigns. Except</u> 9 <u>as provided in section 22, participate fully in</u> 10 <u>political activities, including donating his own</u> 11 <u>funds, time or services or soliciting contributions</u> 12 <u>for a party, committee, organization, agency or</u> 13 person.

14 §24. Penalty

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

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

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STATEMENT OF FACT

19 The purpose of this amendment is to prohibit 20 employees of this State from running for nomination 21 or election to the Legislature. In addition, the 22 provisions of this amendment:

23 1. Prohibit state employees from interfering in 24 an election;

25 2. Prohibit state employees from coercing political contributions;

27 3. Prohibit state employees from soliciting
28 political contributions during their working hours,
29 on state property or by using state facilities,
30 equipment or services; and

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4. Allow all state employees to run for nonpar-

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HOUSE AMENDMENT "D" to S.P. 439, L.D. 1318

1 tisan elective office and allow nonfederally funded 2 state employees to run for partisan elective office 3 as well. 4 4431061383 1.

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