

MAINE STATE LEGISLATURE

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1 (New Draft of S.P. 67, L.D. 173)
2 (New Title)

3 FIRST REGULAR SESSION
4

5 ONE HUNDRED AND ELEVENTH LEGISLATURE
6

7 Legislative Document

No. 1318

8
9 S.P. 439

In Senate, March 24, 1983

10 Reported by the Majority from the Committee on State Government and
11 printed under Joint Rule 2.

12 JOY J. O'BRIEN, Secretary of the Senate

13
14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-THREE
18

19 AN ACT Pertaining to the Political
20 Rights of State Employees.
21

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

24 5 MRSA §14, as enacted by PL 1975, c. 597, is
25 repealed and the following enacted in its place:

26 §14. Participation in political affairs

27 1. Prohibitions. The following prohibitions
28 shall apply to officers and employees of this State
29 with respect to participation in political affairs.

30 A. No officer or employee of this State may use
31 his official authority or influence for the pur-
32 pose of interfering with or affecting the result

1 of an election or a nomination for office. No
2 officer or employee of this State may solicit any
3 assessment, subscription or contribution from any
4 person with whom the officer or employee deals in
5 his official capacity.

6 B. No officer or employee of this State may
7 directly or indirectly coerce, attempt to coerce,
8 command or advise another state officer or
9 employee with whom the officer or employee has a
10 supervisory relationship or over whom the officer
11 or employee has a supervisory power to pay, lend
12 or contribute anything of value to a party, com-
13 mittee, organization, agency or person for polit-
14 ical purposes.

15 C. No officer or employee of this State may
16 solicit any assessment, subscription or contribu-
17 tion from any person for any political purpose in
18 connection with any election for federal, state
19 or county office during that officer's or
20 employee's state working hours, upon the property
21 or premises of the State or by using the facili-
22 ties or services of the State.

23 2. Permissible political activities. Officers
24 or employees of the State may be involved in polit-
25 ical activities as defined in this subsection.

26 A. An officer or employee of the State may be a
27 candidate for elective office in partisan or non-
28 partisan public elections for municipal or county
29 offices, provided that no conflict of interest
30 results.

31 B. Except as provided in subsection 1, a state
32 officer or employee of this State may participate
33 fully in political campaigns, including such ac-
34 tivities as donating his own funds, time and ser-
35 vices or soliciting funds for political candi-
36 dates, committees or parties.

37 3. Penalties. Any violations of this section
38 constitute a Class E crime.

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STATEMENT OF FACT

2 This new draft clarifies what are the prohibited
3 and permissible activities of state employees in
4 political campaigns. This new draft permits state
5 employees to run for political office in municipali-
6 ties or counties, provided that a conflict of inter-
7 est does not result. It would not permit state
8 employees to campaign for the Legislature and retain
9 their state job.

10 As under the original bill, the new draft allows
11 state employees to solicit funds for candidates and
12 causes of their choice, as long as such solicitation
13 is not done on state time or using state offices and
14 facilities.

15 The new draft goes further to prohibit all state
16 employees, both classified and unclassified, from
17 using their official position to influence an elec-
18 tion and it specifically prohibits any state employee
19 from soliciting any contributions from persons with
20 whom they deal in their official capacity. It also
21 prohibits supervisors from coercing contributions
22 from their employees.

23 The new draft provides that violation of the pro-
24 hibitions are Class E crimes.

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