

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
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5 Legislative Document

No. 435

7 S.P. 167

In Senate, February 5, 1985

8 Referred to the Committee on State Government and ordered printed.
9 Sent down for concurrence.

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

Presented by Senator Tuttle of York.

11 Cosponsored by Senator Bustin of Kennebec, Senator Pray of Penobscot
and Representative Beaulieu of Portland.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Grant Certain Political Rights to
18 State Employees.
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20 Be it enacted by the People of the State of Maine as
21 follows:

22 5 MRSA §14, as enacted by PL 1975, c. 597, is re-
23 pealed and the following enacted in its place:

24 §14. Participation in political affairs

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

28 A. No officer or employee of this State may use
29 his official authority or influence for the pur-
30 pose of interfering with or affecting the result
31 of an election or a nomination for office. No
32 officer or employee of this State may solicit any
33 assessment, subscription or contribution from any
34 person with whom the officer or employee deals in
35 his official capacity.

1 B. No officer or employee of this State may di-
2 rectly or indirectly coerce, attempt to coerce,
3 command or advise another state officer or em-
4 ployee with whom the officer or employee has a
5 supervisory relationship or over whom the officer
6 or employee has a supervisory power to pay, lend
7 or contribute anything of value to a party, com-
8 mittee, organization, agency or person for polit-
9 ical purposes.

10 C. No officer or employee of this State may so-
11 licit any assessment, subscription or contribu-
12 tion from any person for any political purpose in
13 connection with any election for federal, state
14 or county office during that officer's or
15 employee's state working hours, upon the property
16 or premises of the State or by using the facili-
17 ties or services of the State.

18 2. Permissible political activities. Officers
19 or employees of the State may be involved in politi-
20 cal activities as defined in this subsection.

21 A. An officer or employee of the State may be a
22 candidate for elective office in partisan or non-
23 partisan public elections for municipal or county
24 offices, provided that no conflict of interest
25 results.

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

32 3. Penalties. Any violations of this section
33 constitute a Class E crime.

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STATEMENT OF FACT

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This bill clarifies what are the prohibited and permissible activities of state employees in political campaigns. This bill permits state employees to run for political office in municipalities or counties, provided that a conflict of interest does not result. It would not permit state employees to campaign for the Legislature and retain their state job.

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

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The bill goes further to prohibit all state employees, both classified and unclassified, from using their official position to influence an election and it specifically prohibits any state employee from soliciting any contributions from persons with whom they deal in their official capacity. It also prohibits supervisors from coercing contributions from their employees.

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The bill provides that violation of the prohibitions are Class E crimes.

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