

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 748

S.P. 267

In Senate, March 16, 1987

Reference to the Committee on State and Local Government suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate  
Presented by Senator TUTTLE of York.

Cosponsored by Representative ROTONDI of Athens,  
Representative CARROLL of Gray, Senator BUSTIN of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT Relating to the Right of State  
Employees to Solicit Political  
Candidates.

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

Sec. 1. 5 MRSA §14, as enacted by PL 1975, c. 597, is repealed.

Sec. 2. 5 MRSA c. 19 is enacted to read:

CHAPTER 19

PARTICIPATION OF STATE EMPLOYEES

IN POLITICAL ACTIVITIES

1        §461. Definitions

2            As used in this chapter, unless the context indi-  
3 cates otherwise, the following terms have the follow-  
4 ing meanings.

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

9            2. Employee of this State. "Employee of this  
10 State" means an employee in the classified or unclas-  
11 sified service, as defined in chapters 57 and 71, but  
12 does not include nonpartisan staff of the Legislature  
13 or an employee identified under section 931, subsec-  
14 tion 1, paragraphs A, B, C, D, E, G, H and I. With  
15 respect to section 462, subsection 3, "employee of  
16 this State" includes those employees defined in sec-  
17 tion 931, subsection 1, paragraph C.

18            3. Nonpartisan election. "Nonpartisan election"  
19 means an election other than a partisan election.

20            4. Nonpartisan staff. "Nonpartisan staff" means  
21 the directors and staffs of the Office of Policy and  
22 Legal Analysis, the Office of Fiscal and Program Re-  
23 view, the Office of Revisor of Statutes, the Legisla-  
24 tive Information Office and the Office of the Execu-  
25 tive Director of the Legislative Council.

26            5. Partisan election. "Partisan election" means  
27 an election in which a candidate may be nominated or  
28 elected as a representative of a party, as defined in  
29 Title 21-A, section 1, subsection 28.

30        §462. Prohibited political activity

31            An employee of this State may not:

32            1. Interfere with an election. Use his official  
33 authority or influence for the purpose of interfering  
34 with or affecting the result of an election;

35            2. Coerce political contributions. Directly or  
36 indirectly coerce, attempt to coerce, command or ad-  
37 vice another employee of this State to pay, lend or

1 contribute anything of value to a party, committee,  
2 organization, agency or person for political pur-  
3 poses;

4 3. Solicit funds for political purposes. Solicit  
5 or request from any person, firm, corporation or or-  
6 ganization a payment, loan or contribution of any-  
7 thing of value to a political party, committee, orga-  
8 nization, agency or person for political purposes.  
9 For the purpose of this subsection only, "employee of  
10 this State" includes those employees defined in sec-  
11 tion 931, subsection 1, paragraph C.

12 A. An unclassified officer or employee of this  
13 State, as defined under section 931, subsection  
14 1, paragraph C, may not solicit or request any  
15 payments, loan, contribution or anything of value  
16 from any employee within the department in which  
17 the unclassified office or employee is employed  
18 or affiliated for a political party, committee,  
19 organization, agency or person for political pur-  
20 poses; and

21 4. Be a candidate in an election for state offi-  
22 cial. Be a candidate in any election for the elec-  
23 tion or nomination of state officials. Law enforce-  
24 ment officers of this State, notwithstanding this  
25 chapter, shall be subject to Title 25, chapter 403.

26 §463 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 municipal or county partisan  
32 election if, prior to filing as a candidate, he re-  
33 ceives a written statement from his appointing au-  
34 thority that he is not a "state or local officer or  
35 employee," as defined by the United States Code, Ti-  
36 tle 5, section 1501, as amended; and

37 3. Participation in political campaigns. Except  
38 as provided in section 462, participate fully in po-  
39 litical activities, including donating his own funds,  
40 time or services.



- 1 B. Constitutional officers;
- 2 C. Heads of departments, members of boards ap-  
3 pointed by the Governor and some bureau chiefs.  
4 This group is not excluded with respect to prohi-  
5 bition against solicitation of political contri-  
6 butions;
- 7 D. Officers and employees in the judicial ser-  
8 vice;
- 9 E. Officers and employees of the House of Repre-  
10 sentatives and Senate;
- 11 F. Employees in the Governor's office and at the  
12 Blaine Mansion;
- 13 G. Officers and employees of the school system  
14 in the unorganized territory and teachers and  
15 principals of state vocational schools and insti-  
16 tutes; and
- 17 H. The Attorney General's office.
- 18 3. Prohibited activities for state employees  
19 covered by the bill:
- 20 A. State employees may not run in any election  
21 for state office;
- 22 B. State employees, including heads of depart-  
23 ments, members of boards and commissions ap-  
24 pointed by the Governor and some bureau direc-  
25 tors, may not solicit political contributions;
- 26 C. State employees are prohibited from directly  
27 or indirectly coercing political contributions;
- 28 D. State employees are prohibited from using  
29 their official authority or influence to affect  
30 the result of an election; and
- 31 E. State law enforcement officers are governed  
32 by the Maine Revised Statutes, Title 25, chapter  
33 403, which regulates solicitation and office  
34 holding for law enforcement officers.

1 4. Permitted activities for state employees covered by the bill:  
2

3 A. State employees may be candidates in any non-partisan election;  
4

5 B. A state employee may be a candidate in municipal and county partisan elections as long as he  
6 has a statement from his appointing authority  
7 that the employee does not fall under the Federal  
8 Hatch Act; and  
9

10 C. State employees may participate in political  
11 campaigns at any level, municipal, county or  
12 state, including donation of time, funds and services.  
13

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