

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 926

S.P. 349

In Senate, March 27, 1989

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GOULD of Waldo.

Cosponsored by Representative JOSEPH of Waterville, Representative MARSANO of Belfast and Representative HICKEY of Augusta.

STATE OF MAINE

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

An Act Concerning Political Activities by Retiring State Employees.



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

3 5 MRSA §7056, sub-§3, as amended by PL 1987, c. 487, is
5 repealed and the following enacted in its place:

7 3. Candidacy for elective office. No officer or employee
9 in the classified service of the State may be a candidate for
11 elective office in a partisan public election except as a
13 candidate for:

15 A. A local office;

17 B. An office in any election if none of the candidates to
19 be nominated or elected at that election represents a party
21 whose candidate for presidential elector received votes in
23 the last preceding election at which presidential electors
25 were elected; and

27 C. County or state office in a partisan public election if:

29 (1) The Bureau of Human Resources finds that the
31 officer or employee is not subject to the provisions of
33 the United States Code, Title 5, Chapter 15 concerning
35 political activity of certain state and local
37 employees; and

39 (2) The officer or employee submits to the director of
41 the agency that employs the officer or employee, a
43 letter declaring the officer's or employee's intent to
45 retire and the date of the officer's or employee's
47 departure from the classified service. The departure
49 date declared in the letter must be:

(a) Within 12 months of submission of the letter
to the agency director; and

(b) No later than December 1st following the
general election in the year in which election is
sought.

For the purposes of this paragraph, an officer or employee
who submits a letter declaring the officer's or employee's
departure from the classified service in order to be a
candidate in a partisan public election is eligible for
retirement benefits under Title 5, Part 20, on the date of
departure. Any officer or employee who is a candidate in a
partisan public election is not eligible for a position in
the classified service as of the date of departure declared
in the letter.

1 In addition to being subject to this subsection, law enforcement
2 officers are subject to any departmental rules regarding
3 procedures or candidacy.

5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39

STATEMENT OF FACT

9 This bill allows a classified state employee who intends to
11 retire from state service to run for state and county elective
13 offices. Currently, a classified state employee may retire, but
15 cannot run for partisan office until the effective date of the
17 employee's retirement from state service. This could mean that
the classified employee who intends to leave state service may
have to wait from 1 to 4 years to run for a particular office
such as a Legislator, county commissioner or sheriff.
Approximately 250 state employees retire annually.

19 This bill provides that a classified employee in the last
21 year of employment with the State may run for partisan office on
23 the state or county level. The employee is required to submit a
25 letter or declaration of departure with an effective departure
27 date to the director of the agency in which the employee is
employed. The letter or declaration must be submitted within the
12 months prior to departure. The departure date must be
effective no later than December 1st following the general
election in which the classified employee is a candidate. In
addition, the officer or employee must be eligible for retirement
benefits on the date of departure in accordance with the
provisions of the Maine State Retirement System. The bill also
provides that a classified state employee may be a candidate in a
partisan public election only when the director of the Bureau of
Human Resources finds that the employee is not subject to the
Federal Hatch Act, United States Code, Title 5, Chapter 15.
Following the departure date established in the letter, the
retiring classified employee is no longer eligible for a position
within the classified service, regardless of the outcome of the
election.