

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1095

S.P. 407

In Senate, March 30, 1995

An Act to Provide Equal Political Rights for Classified State Employees.

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

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator RUHLIN of Penobscot.
Cosponsored by Representative HATCH of Skowhegan and
Senators: HALL of Piscataquis, MILLS of Somerset, RAND of Cumberland, Representatives:
CHASE of China, DAGGETT of Augusta, PENDLETON of Scarborough, ROSEBUSH of
East Millinocket, STROUT of Corinth, TUTTLE of Sanford.

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

2
3 **Sec. 1. 5 MRSA §7035, sub-§2**, as enacted by PL 1985, c. 785,
4 Pt. B, §38, is amended to read:

6 **2. Restricted political activity.** The provisions in
7 section 7056 7056-A, as they relate to the political activities
8 of employees in the classified service; and

10 **Sec. 2. 5 MRSA §7036, sub-§14**, as enacted by PL 1985, c. 785,
11 Pt. B, §38, is amended to read:

12 **14. Employ staff and other assistance.** Employ staff who
13 shall-be are employed in the classified service in accordance
14 with the Civil Service Law. Persons appointed to major
15 policy-influencing positions shall-be are unclassified and shall
16 serve at the pleasure of the director. The classified and
17 unclassified employees in the Bureau of Human Resources shall
18 comply with section 7056 7056-A, defining the political
19 activities in which the employees may engage. All managerial,
20 policy-influencing and professional employees in the bureau shall
21 must be qualified by education, training and experience in the
22 administration of personnel systems;

24 **Sec. 3. 5 MRSA §7056**, as amended by PL 1987, c. 487, is
25 repealed.

28 **Sec. 4. 5 MRSA §7056-A** is enacted to read:

30 §7056-A. Political activity

32 1. Use of official authority. An officer or employee in
33 the classified service of this State may not use that officer's
34 or employee's official authority, influence or supervisory
35 position for the purpose of:

36 A. Interfering with or affecting the result of an election
37 or nomination for office;

38 B. Attempting to intimidate, threaten, coerce, command or
39 influence:

40 (1) A person to give or withhold a political
41 contribution; or

42 (2) A person to engage, or not to engage, in any form
43 of political activity.

44 For the purposes of this subsection, "use of official authority
45 or influence" includes promising to confer or conferring a
46 benefit, such as any compensation, grant, contract, license, or
47 ruling; effecting or threatening to effect a reprisal, such as

2 deprivation of any compensation, grant, contract, license or
3 ruling; or taking, directing others to take, recommending,
4 processing or approving any personnel action.

5 This section may not be construed to apply to any actions taken
6 in order to carry out the duties and responsibilities of an
7 officer's or employee's position.

8
9
10 2. Use of official information. An officer or employee in
11 the classified service of this State may not directly or
12 indirectly use, attempt to use, or permit the use of, any
13 official information obtained through or in connection with the
14 employee's employment for any political purpose, unless the
15 official information is available to the general public.

16 3. Political contributions. An officer or employee in the
17 classified service of this State may not:

18
19 A. Give or offer to give a political contribution to any
20 individual either to vote or refrain from voting or to vote
21 for or against any candidate or measure in any election;

22
23 B. Solicit, accept or receive a political contribution to
24 vote or refrain from voting or to vote for or against any
25 candidate or measure in any election;

26
27 C. Knowingly give or hand over a political contribution to
28 a superior of the employee;

29
30 D. Knowingly solicit, accept or receive or be in any manner
31 concerned with soliciting, accepting, or receiving a
32 political contribution from another employee, or a member of
33 another employee's immediate family, with respect to whom
34 the employee is a superior; or

35
36 E. Knowingly solicit, accept or receive a political
37 contribution from, or give a political contribution to, any
38 person who:

39
40 (1) Has, or is seeking to obtain, contractual or other
41 business or financial relations with the agency in
42 which the employee is employed;

43
44 (2) Conducts operations or activities that are
45 regulated by that agency; or

46
47 (3) Has interests that may be substantially affected
48 by the performance or nonperformance of the employee's
49 official duties.

2 4. Political activity. An officer or employee in the
3 classified service of this State may not engage in political
4 activity:

6 A. When the employee is on duty;

8 B. In any state-owned or leased work space occupied in the
9 discharge of official duties; or

10 C. When wearing a uniform or official insignia identifying
11 the office or position of the employee or when using any
12 vehicle owned or leased by the State or any agency of the
13 State.

16

STATEMENT OF FACT

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19 This bill expands and details the prohibitions on political
20 activity for classified state employees. The bill also removes
21 the restrictions on classified state employees relating to fund
22 raising and political contributions on nonwork time when no
23 conflict of interest exists. The bill is intended to parallel
24 federal legislation enacted in 1993 removing these restrictions
from most federal employees.