

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1004

H.P. 740

House of Representatives, February 11, 1997

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

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative HATCH of Skowhegan.
Cosponsored by Senator CATHCART of Penobscot and
Representatives: CLARK of Millinocket, LEMAIRE of Lewiston, RINES of Wiscasset,
SAMSON of Jay.

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

4 **Sec. 1. 5 MRSA §14**, as enacted by PL 1975, c. 597, is repealed.

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

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

10 **Sec. 3. 5 MRSA §7036, sub-§14**, as enacted by PL 1985, c. 785, Pt. B, §38, is amended to read:

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

14 **Sec. 4. 5 MRSA §7056**, as amended by PL 1987, c. 487, is repealed.

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

18 **§7056-A. Political activity**

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

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

24 B. Attempting to intimidate, threaten, coerce, command or influence a person to give or withhold a political contribution or to engage or not to engage in any form of political activity.

26 For the purpose of this subsection, "use of official authority or influence" includes promising to confer or conferring a benefit such as compensation, a grant, contract, license or ruling;

2 effecting or threatening to effect a reprisal, such as
3 deprivation of compensation, a grant, contract, license or
4 ruling; or taking, directing others to take, recommending,
5 processing or approving any personnel action.

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

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 official
13 information obtained through or in connection with the employee's
14 employment for any political purpose, unless the official
15 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 A. Give or offer to give a political contribution to an
19 individual to vote or refrain from voting or to vote for or
20 against any candidate or measure in any election;

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

24 C. Knowingly give or hand over a political contribution to
25 a superior of the employee;

26 D. Knowingly solicit, accept or receive or be in any manner
27 concerned with soliciting, accepting or receiving a
28 political contribution from another employee or a member of
29 another employee's immediate family who is a superior of the
30 employee; or

31 E. Knowingly solicit, accept or receive a political
32 contribution from or give a political contribution to any
33 person who:

34 (1) Has or is seeking to obtain contractual or other
35 business or financial relations with the agency in
36 which the employee is employed;

37 (2) Conducts operations or activities that are
38 regulated by that agency; or

39 (3) Has interests that may be substantially affected
40 by the performance or nonperformance of the employee's
41 official duties.

