

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 850

H.P. 650

House of Representatives, February 15, 2001

An Act to Place the State in Compliance with the Federal Hatch Political Activity Act.

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative CRESSEY of Baldwin.
Cosponsored by Senator DAVIS of Piscataquis and
Representatives: ANNIS of Dover-Foxcroft, DUPREY of Hampden, GOOLEY of
Farmington, KASPRZAK of Newport, MacDOUGALL of North Berwick, MENDROS of
Lewiston, TREADWELL of Carmel, WATERHOUSE of Bridgton.

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

4 **Sec. 1. 5 MRSA §7056-A, sub-§4**, as enacted by PL 1997, c. 498,
§6, is amended to read:

6 **4. Candidacy for elective office.** An officer or employee
8 in the classified service or an employee from the executive
branch in the unclassified service of this State may not be a
10 candidate for elective office in a partisan public election ~~other~~
than for a local for state or federal office. ~~This subsection~~
~~may not be construed as to prohibit an officer or employee of the~~
~~State from being a candidate in an election if none of the~~
~~candidates is nominated or elected at that election as~~
~~representing a party whose candidates for presidential elector~~
~~received votes in the last preceding election during which~~
~~presidential electors were selected.~~ Law enforcement officers
16 continue to be subject to departmental rules regarding procedures
18 on candidacy.

20 **Sec. 2. 5 MRSA §7056-A, sub-§6**, as enacted by PL 1997, c. 498,
§6, is amended to read:

22 **6. Rights of participation in political organizations and**
24 **activities.** An officer or an employee of the classified service
or an employee from the executive branch in the unclassified
26 service of this State may:

28 A. Campaign for and hold an elective office in political
clubs and organizations;

30 B. Contribute money to political organizations or attend
32 political fundraising functions;

34 C. Donate personal time and service to a political cause;
and

36 ~~D. Be a candidate for public office in a nonpartisan~~
38 ~~election; and~~

40 E. Participate in any other activity not specifically
prohibited by state or federal law.

42 **Sec. 3. 21-A MRSA §331, sub-§3, ¶C** is enacted to read:

44 C. An officer or employee in the classified service as
46 defined by Title 5, chapter 372 or an employee from the
executive branch in the unclassified service of this State
48 is prohibited from soliciting or accepting a nomination by a
political party for any federal or state office.

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Sec. 4. 21-A MRSA §351-A is enacted to read:

§351-A. Candidates not eligible for state or federal office

An officer or employee in the classified service as defined by Title 5, chapter 372 or an employee from the executive branch in the unclassified service of this State is prohibited from seeking nomination for any federal or state office by petition as provided by this subchapter.

SUMMARY

This bill amends state law to comply with the federal Hatch Political Activity Act which prohibits federal employees from engaging in political activity and from being a candidate for public office. Under this bill, state employees may not be a candidate for state or federal office regardless of whether or not the candidate is representing a political party.