

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 370

S.P. 111

In Senate, January 24, 2019

An Act To Facilitate State Employee Service in the Legislature

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator POULIOT of Kennebec.
Cosponsored by Representative MARTIN of Sinclair and
Senators: CLAXTON of Androscoggin, KEIM of Oxford, Representative: REED of Carmel.

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

2 **Sec. 1. 5 MRSA §7056-A, sub-§4**, as amended by PL 2007, c. 130, §1, is further
3 amended to read:

4 **4. Candidacy for elective office.** ~~An~~ Except as provided in subsection 6, paragraph
5 F, an officer or employee in the classified service or an employee from the executive
6 branch in the unclassified service of this State, except for an officer or enlisted person in
7 the Maine National Guard, may not be a candidate for elective office in a partisan public
8 election other than for a local office. This subsection may not be construed as prohibiting
9 an officer or employee of the State from being a candidate in an election if none of the
10 candidates is nominated or elected at that election as representing a party whose
11 candidates for presidential elector received votes in the last preceding election during
12 which presidential electors were selected. Law enforcement officers continue to be
13 subject to departmental rules regarding procedures on candidacy.

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

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

- 19 A. Campaign for and hold an elective office in political clubs and organizations;
- 20 B. Contribute money to political organizations or attend political fundraising
21 functions;
- 22 C. Donate personal time and service to a political cause;
- 23 D. Be a candidate for public office in a nonpartisan election; ~~and~~
- 24 E. Participate in any other activity not specifically prohibited by state or federal law;
25 and
- 26 F. Campaign for and hold a partisan elective office in the Legislature. An officer or
27 employee under this paragraph shall resign or request and take a leave of absence
28 under section 7073 from the officer's or employee's position in the classified and
29 unclassified service prior to becoming a candidate for or hold legislative office and
30 may not engage in or influence any activities of the officer's or employee's former
31 position while a candidate for or serving in the Legislature.

32 **Sec. 3. 5 MRSA §7073** is enacted to read:

33 **§7073. Unpaid leave during legislative service**

34 An officer or employee in the classified service or an employee from the executive
35 branch in the unclassified service of this State who campaigns for or serves in the
36 Legislature under section 7056-A, subsection 6, paragraph F may be granted an unpaid
37 leave of absence pursuant to Title 26, section 821.

SUMMARY

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This bill allows an officer or employee in classified and unclassified service of the State to campaign for and serve in partisan elective office in the Legislature if the officer or employee first resigns or requests and takes a leave of absence from the classified or unclassified service. The officer or employee may be granted unpaid leave while serving in the Legislature under the same provision of law that allows employees in general to be granted a leave of absence from their employment during their service in the Legislature.