

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON  
STATE GOVERNMENT  
BILL SUMMARY



JULY, 1985

Prepared by:

Ted Potter, Legislative Assistant  
Office of Legislative Assistants  
State House, Station 13      Augusta, Maine 04333  
(207) 289-1670



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STATE OF MAINE  
OFFICE OF LEGISLATIVE ASSISTANTS  
ROOM 101  
STATE HOUSE, STATION 13  
AUGUSTA, MAINE 04333  
TEL.: (207) 289-2486

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ONE HUNDRED AND TWELFTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE  
BILL SUMMARIES  
JULY 1985

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature, covering the First Regular Session of the 112th Legislature. The summaries are arranged by LD number and indexed separately by committee.

LD: 1433 RESOLVE, TO ESTABLISH A STUDY COMMISSION ON  
GOVERNMENT COMPETITION WITH PRIVATE  
ENTERPRISE

MURPHY T  
SPOUL  
DESCOTEAUX  
DANTON

ONTP HOUSE Accepted Committee Report  
SENATE Accepted Committee Report  
GOV  
H-220 CA MIN REP

SUMMARY:

This resolve proposed to establish a Study Commission to investigate the ways in which state agencies compete with the private sector in the provision of goods and services to the State and to the public. The philosophy of the bill is that competition is not the proper function of government and often is not a prudent use of taxpayer money.

Relying on the private sector for goods and services may reduce the cost of State Government, stimulate the economy, and result in a better product or service than would be available from the State.

The commission was directed to submit its findings and report by January 1, 1987.

The minority of the Committee supporting the bill amended the bill to include 2 members with cost accounting experience. In addition, the Department of Finance and Administration was established as the staff to the Commission.

The issue was not a high priority issue with many people, and the bill failed as a result to get through the legislature.

LD: 1434 AN ACT RELATING TO SOLICITATIONS AND PUBLIC  
OFFICE HOLDING BY STATE EMPLOYEES

TUTTLE  
BUSTIN  
PRAY  
BEAULIEU

ND: 435

		HOUSE	Other		
		SENATE	Other		
		GOV			
H-107	HA	GWADOSKY			
H-113	HB	GWADOSKY			
H-125	HC	LACROIX		H	S
S-89	HC	BUSTIN			
S-95	HC	BUSTIN			S

SUMMARY:

LD 435, the original bill, proposed to allow state officers and employees to run in both partisan and non-partisan elections in municipalities and counties and to participate fully in political campaigns, including the solicitation of funds. State officers and employees would be prohibited from soliciting any other persons with whom they deal in an official capacity. A state officer and employee would also be prohibited from soliciting funds for political campaigns during state working hours and on state property.

The bill raised several key issues of a very controversial nature. Solicitation of campaign contributions; the Federal Hatch Act; extension of full political rights to all state employees including non-partisan legislative staff and the judiciary; and the definition of an election which could include referenda were issues that had to be addressed. According to LD 435, non-partisan legislative staff and judges could run for partisan political office and solicit campaign contributions for their own partisan campaign or any other person's campaign. In addition, a state employee could solicit political contributions from other state employees with whom they have no official dealings.

In order to avoid the problems of violating the Hatch Act which prohibits a governmental employee from soliciting political contributions from other state employees or running for partisan office and the problem of compromising the position of certain state employees, the Committee approved a new draft of the bill which the Maine State Employees' Association (MSEA) lobbyist approved. This new draft, LD 1434, applied to classified and unclassified state employees except legislative non-partisan and partisan staff, constitutional officers, elected officials, judicial employees, employees of the Governor, instructors at vocational schools and institutes, and the staff of the Attorney-General.

All other state employees were prohibited from:

1. running in any election for state office
2. soliciting campaign contribution
3. using their official position to influence an election, and
4. directly or indirectly coercing political contributions

The state employees covered by LD 1439 could be candidates in any non-partisan election, or candidates in any municipal or county partisan election. With the exception of soliciting political contributions, these employees could participate in all other campaign activities.

The MSEA, which wanted state employees to be authorized to solicit political contributions, agreed to the compromise. While unclassified state employees (1,000) who were not and are not currently subject to any law regarding office holding and solicitation, could not solicit political contributions under LD 1434, roughly 11,000 state employees (classified) could run for partisan political office in the municipalities and counties.

The Committee sought to treat all state employees in the same manner. In the committee's opinion, 1,000 unclassified state employees, roughly 50% of whom are subject to the Hatch Act (cannot solicit contributions or run for partisan political office) who were made subject to the state political rights law, did not incur any significant restrictions, for the most part. Classified state employees, however, made significant gains.

Following the committee's unanimous endorsement of the new draft, the bill passed the House only to be shot down in the Senate. At this point the Maine State Employees Association proposed an amendment to allow unclassified state employees to run for partisan elective office and to solicit political contributions. This amendment passed in the Senate, but failed in the House. The bill died between the two houses because the MSEA refused to accept the premise that classified and unclassified state employees should be treated in an equal manner.

LD:	1440	AN ACT TO ESTABLISH THE DEPARTMENTAL INDIRECT	MCGOWAN
		COST ALLOCATION PROGRAM	GWADOSKY
ND:	879		DILLENBACK
		HOUSE Enacted	PUBLIC
		SENATE Enacted	CH # 195
		GOV SIGNED	
S-69	SA	KANY	H S

SUMMARY:

LD 879, the original bill, proposed that state agencies which undertake repairs, improvements or construction of public improvements costing in excess of \$25,000 and the funds for which are appropriated in the agencies' budgets be required to follow the "least-cost" principle. Each agency would be required to:

- A. file a list with the Commissioner of Finance and Administration of every project to be constructed, repaired, or improved by the agency at a cost in excess of \$25,000,
- B. describe how the agency's decision conforms to the least cost principle,