

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act Regarding the Hiring of Immediate Family Members in State Government

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

Sec. 1. 2 MRSA §10 is enacted to read:

§ 10. Hiring and promotion neutrality

The following requirements apply to the hiring or promotion of a person in the Governor's office after October 1, 2011.

1. Qualifications. A person must be hired or promoted based on the qualifications for the position.

2. Supervision. The Governor or an employee of the Governor's office may not supervise a family or household member. For the purpose of this section, "family or household member" means spouse, domestic partner, parent, natural or legally adopted child, stepchild, sibling, fatherinlaw, motherinlaw, brotherinlaw or sisterinlaw.

Sec. 2. 3 MRSA §170-B is enacted to read:

§ 170-B. Hiring and promotion neutrality

The following requirements apply to hiring or promotion of a person in the partisan or nonpartisan staff offices of the Legislature after October 1, 2011.

1. Qualifications. A person must be hired or promoted based on the qualifications for the position.

2. Supervision. An employee or member of the Legislature may not supervise a family or household member. For the purpose of this section, "family or household member" means spouse, domestic partner, parent, natural or legally adopted child, stepchild, sibling, fatherinlaw, motherinlaw, brotherinlaw or sisterinlaw.

Sec. 3. 5 MRSA §81, as amended by PL 1977, c. 674, §1, is further amended to read:

§ 81. Office and duties; vacancy; salary; expenses; fees

The Department of the Secretary of State, ~~as heretofore established, shall consist~~consists of the Secretary of State, the State Archives and such other state departments and agencies as are by law subject to the direction of the Secretary of State. The secretary shall keep ~~his~~the secretary office at the seat of government; ~~and~~ have the custody of the state seal and preserve all records in such office; at the expense of the State. The Secretary of State may appoint deputy secretaries of state who shall serve at the pleasure

of the Secretary of State. The secretary shall designate one of ~~his~~the deputies as first deputy secretary of state. When a vacancy happens in the office of Secretary of State during the recess of the Legislature, the first deputy secretary of state shall act as Secretary of State until a Secretary of State is elected by the Legislature. Such deputy shall take the oath required of the elected Secretary of State and have the same compensation while ~~he performs~~performing the duties of the office. After October 1, 2011, the Secretary of State shall appoint deputy secretaries of state based on qualifications for the position, but may not appoint a family or household member. The Secretary of State or an employee of the office of the Secretary of State may not directly supervise a family or household member. As used in this section, "family or household member" means spouse, domestic partner, parent, natural or legally adopted child, stepchild, sibling, fatherinlaw, motherinlaw, brotherinlaw or sisterinlaw.

The Secretary of State and ~~his~~the deputy ~~shall~~secretaries receive such actual traveling expenses incident to the administration of ~~his~~the department as ~~shall be~~are necessary.

The Secretary of State shall collect the legal and usual fees payable to ~~him~~the secretary by virtue of ~~his~~the office and shall pay them over forthwith to the Treasurer of State.

Sec. 4. 5 MRSA §155 is enacted to read:

§ 155. Hiring and promotion neutrality

The following requirements apply to hiring or promotion of a person in the office of the Treasurer of the State after October 1, 2011.

1. Qualifications. A person must be hired or promoted based on the qualifications for the position.

2. Supervision. The Treasurer of State or an employee of the office of the Treasurer of State may not supervise a family or household member. For the purpose of this section, "family or household member" means spouse, domestic partner, parent, natural or legally adopted child, stepchild, sibling, fatherinlaw, motherinlaw, brotherinlaw or sisterinlaw.

Sec. 5. 5 MRSA §196, as amended by PL 2005, c. 154, §1, is further amended by adding after the first paragraph a new paragraph to read:

After October 1, 2011, the Attorney General shall appoint deputy attorneys general based on qualifications for the position, but may not appoint a family or household member. The Attorney General or an employee of the office of the Attorney General may not directly supervise a family or household member. As used in this section, "family or household member" means spouse, domestic partner, parent, natural or legally adopted child, stepchild, sibling, fatherinlaw, motherinlaw, brotherinlaw or sisterinlaw.

SUMMARY

This bill requires the Governor, the Legislature and the constitutional officers to hire or promote staff within those offices based on qualifications and prohibits the hiring of family or household members. This bill also prohibits an employee from supervising a family or household member of that employee, which includes a spouse, domestic partner, parent, natural or legally adopted child, stepchild, sibling,

fatherinlaw, motherinlaw, brotherinlaw or sisterinlaw. It does not apply to anyone hired or promoted in those offices prior to October 1, 2011.