



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 840

H.P. 637

House of Representatives, March 3, 2011

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

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative DILL of Cape Elizabeth.  
Cosponsored by Senator BLISS of Cumberland and  
Representatives: CAREY of Lewiston, DUCHESNE of Hudson, MORRISON of South  
Portland, RUSSELL of Portland, Senators: BARTLETT of Cumberland, JACKSON of  
Aroostook, PATRICK of Oxford.

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

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

3 **§10. Hiring and promotion neutrality**

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

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

8 **2. Supervision.** The Governor or an employee of the Governor's office may not  
9 supervise a family or household member. For the purpose of this section, "family or  
10 household member" means spouse, domestic partner, parent, natural or legally adopted  
11 child, stepchild, sibling, father-in-law, mother-in-law, brother-in-law or sister-in-law.

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

13 **§170-B. Hiring and promotion neutrality**

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

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

18 **2. Supervision.** An employee or member of the Legislature may not supervise a  
19 family or household member. For the purpose of this section, "family or household  
20 member" means spouse, domestic partner, parent, natural or legally adopted child,  
21 stepchild, sibling, father-in-law, mother-in-law, brother-in-law or sister-in-law.

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

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

25 The Department of the Secretary of State, ~~as heretofore established, shall consist~~  
26 consists of the Secretary of State, the State Archives and such other state departments and  
27 agencies as are by law subject to the direction of the Secretary of State. The secretary  
28 shall keep ~~his~~ the secretary office at the seat of government; and have the custody of the  
29 state seal and preserve all records in such office; at the expense of the State. The  
30 Secretary of State may appoint deputy secretaries of state who ~~shall~~ serve at the pleasure  
31 of the Secretary of State. The secretary shall designate one of ~~his~~ the deputies as first  
32 deputy secretary of state. When a vacancy happens in the office of Secretary of State  
33 during the recess of the Legislature, the first deputy secretary of state shall act as  
34 Secretary of State until a Secretary of State is elected by the Legislature. Such deputy  
35 shall take the oath required of the elected Secretary of State and have the same  
36 compensation while ~~he performs~~ performing the duties of the office. After October 1,  
37 2011, the Secretary of State shall appoint deputy secretaries of state based on

1 qualifications for the position, but may not appoint a family or household member. The  
2 Secretary of State or an employee of the office of the Secretary of State may not directly  
3 supervise a family or household member. As used in this section, "family or household  
4 member" means spouse, domestic partner, parent, natural or legally adopted child,  
5 stepchild, sibling, father-in-law, mother-in-law, brother-in-law or sister-in-law.

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

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

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

13 **§155. Hiring and promotion neutrality**

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

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

18 **2. Supervision.** The Treasurer of State or an employee of the office of the Treasurer  
19 of State may not supervise a family or household member. For the purpose of this  
20 section, "family or household member" means spouse, domestic partner, parent, natural or  
21 legally adopted child, stepchild, sibling, father-in-law, mother-in-law, brother-in-law or  
22 sister-in-law.

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

25 After October 1, 2011, the Attorney General shall appoint deputy attorneys general  
26 based on qualifications for the position, but may not appoint a family or household  
27 member. The Attorney General or an employee of the office of the Attorney General  
28 may not directly supervise a family or household member. As used in this section,  
29 "family or household member" means spouse, domestic partner, parent, natural or legally  
30 adopted child, stepchild, sibling, father-in-law, mother-in-law, brother-in-law or  
31 sister-in-law.

32 **SUMMARY**

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

1 mother-in-law, brother-in-law or sister-in-law. It does not apply to anyone hired or  
2 promoted in those offices prior to October 1, 2011.