

**TESTIMONY OF BREENA BISSELL  
Director, Bureau of Human Resources**

**IN OPPOSITION TO**

**L.D. 656, An Act to Strengthen the Integrity of the Office of Marijuana Policy**

**Before the Joint Standing Committee on Veterans and Legal Affairs  
Hearing date: March 23, 2021**

**Sponsored by Representative Collings**

Senator Luchini, Representative Caiazzo, Members of the Committee on Veterans and Legal Affairs, I am Breena Bissell, Director of Maine's Bureau of Human Resources. I am here today on behalf of the Administration to testify in opposition to L.D. 656.

L.D. 656 would prohibit an employee of Maine's Office of Marijuana Policy from working for any entity requiring a marijuana license or registration within 24 months of being employed by or providing services to the Office of Marijuana Policy. The bill would also prohibit an employee of Maine's Office of Marijuana Policy from working as a lobbyist or lobbyist associate during that same 24-month period. Notably, as written, the 24-month lobbying prohibition does not appear to be limited to lobbying related to marijuana; rather, it appears to prohibit such former employees from engaging in any lobbying activities whatsoever.

I believe the current laws strike the proper balance between protecting the integrity of the executive branch and not placing overly-broad limitations on the right of former executive employees to be employed after leaving state service. I am going to describe some of these laws,

but I would recommend a careful review of the actual text of these laws because it is difficult to describe them in a comprehensive way.

5 M.R.S. §18 prohibits an executive employee from participating in the employee's official capacity in the legislative process, or participating in any proceeding, if the employee, the employee's family, partners, recent former partners or professional shareholders, organizations in which the employee is financially interested, or any person or organization *with which the employee is negotiating or agreed to an arrangement concerning prospective employment* has a direct and substantial interest in the matter.

5 M.R.S. §18 also restricts a *former* employee's ability – within one year after the termination of employment -- to act as an attorney, agent, or appear before the employee's former agency on certain matters that had been within the employee's responsibility *more than 12 months prior* to the termination of employment; and when such matter was before the agency *within the 12 months immediately preceding* the termination of employment, the former employee is prohibited from *ever* doing so.

In addition to the above provisions, currently 3 M.R.S. §318-A prohibits any person employed within the last 12 months in an appointed position for which the Governor can adjust the salary, or a major policy-influencing position, from being a lobbyist or a lobbyist associate. In addition, 5 M.R.S. §18-A prohibits any executive employee from having a financial interest or receiving any benefit directly or indirectly from any contracts made on behalf of the State.

Current laws strike the appropriate balance between protecting the integrity of state government, while not unduly restricting future employment opportunities for state employees.

Employees of Maine's Office of Marijuana Policy should not be subjected to greater restrictions on their future employment opportunities than all other similarly situated state employees. Placing excessive restrictions on the future employment of executive branch employees could adversely affect the State's ability to attract talented individuals to public service employment.

For all the above reasons, I urge you to give L.D. 656 an "ought not to pass" report out of this Committee. Thank you.