

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 Political Activities of Corporations

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

Sec. 1. 13-C MRSA §302, first ¶, as enacted by PL 2001, c. 640, Pt. A, §2 and affected by Pt. B, §7, is amended to read:

Unless its articles of incorporation provide otherwise, a corporation has perpetual duration and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs, ~~including, without limitation, power to~~except that a corporation may not take part in political debate or campaigns or support political parties or candidates except as specifically authorized by law or participate in a public initiative or referendum on any matter that does not materially affect the property, business or assets of the corporation:

SUMMARY

This bill will clarify Maine corporation law to make it clear that corporate entities organized under that law are not entitled to exercise the political rights of natural persons or citizens. It is prompted by the United States Supreme Court decision in *First National Bank of Boston v. Bellotti*, 435 U.S. 765 (1978). That decision suggested that corporations, to the extent they are "legal persons" might enjoy certain political rights such as the right to participate in a public referendum on an issue not directly affecting the corporation's business. This bill makes it clear that while corporations may in the conduct of their business activities exercise powers similar to those exercised by natural persons, they do not thereby obtain the political rights of natural persons or citizens, such as voting, supporting candidates or participating in referenda on issues not directly affecting their business activities.