

§7056-A. Political activity

1. Use of official authority. An officer or employee in the classified service or an employee from the executive branch in the unclassified service of this State may not use that officer's or employee's official authority, influence or supervisory position for the purpose of:

- A. Interfering with or affecting the result of a partisan election or nomination for elective office; or [PL 1997, c. 498, §6 (NEW).]
- B. Attempting to intimidate, threaten, coerce, command or influence a person to give or withhold a political contribution or to engage or not to engage in any form of political activity as defined in this section. [PL 1997, c. 498, §6 (NEW).]

For the purpose of this subsection, "use of official authority or influence" includes promising to confer or conferring a benefit such as compensation, a grant, contract, license or ruling; effecting or threatening to effect a reprisal, such as deprivation of compensation, a grant, contract, license or ruling; or taking, directing others to take, recommending, processing or approving any personnel action. [PL 1997, c. 498, §6 (NEW).]

2. Political contributions. An officer or employee in the classified service or an employee from the executive branch in the unclassified service of this State may not:

- A. Give or offer to give a political contribution to an individual to vote or refrain from voting or to vote for or against any candidate or measure in any partisan election; [PL 1997, c. 498, §6 (NEW).]
- B. Solicit, accept or receive a political contribution to vote or refrain from voting or to vote for or against any candidate or measure in any partisan election; [PL 1997, c. 498, §6 (NEW).]
- C. Knowingly give or hand over a political contribution to a superior of the employee; [PL 1997, c. 498, §6 (NEW).]
- D. Knowingly solicit, accept or receive or be in any manner concerned with soliciting, accepting or receiving a political contribution from another employee or a member of another employee's immediate family who is a subordinate of the employee; or [PL 1997, c. 498, §6 (NEW).]
- E. Knowingly solicit, accept or receive a political contribution from or give a political contribution to any person who:
 - (1) Has or is seeking to obtain contractual or other business or financial relations with the agency in which the employee is employed;
 - (2) Conducts operations or activities that are regulated by that agency; or
 - (3) Has interests that may be substantially affected by the performance or nonperformance of the employee's official duties. [PL 1997, c. 498, §6 (NEW).]

[PL 1997, c. 498, §6 (NEW).]

3. Political activity. An officer or employee in the classified service or an employee from the executive branch in the unclassified service of this State may not engage in political activity:

- A. When the employee is on duty; [PL 1997, c. 498, §6 (NEW).]
- B. In state-owned or leased work space occupied in the discharge of official duties or by using the facilities or services of the State; or [PL 1997, c. 498, §6 (NEW).]
- C. When wearing a uniform or official insignia identifying the office or position of the employee or while using a vehicle owned or leased by the State or its agencies. [PL 1997, c. 498, §6 (NEW).]

As used in this subsection, political activity means to advocate expressly for the election or defeat of any candidate for a federal office, a constitutional office or any candidate for partisan elective municipal, county or state office, including leadership positions in the Senate and the House of Representatives or to solicit contributions reportable under Title 21-A, chapter 13.

[PL 1997, c. 498, §6 (NEW).]

4. Candidacy for elective office. An officer or employee in the classified service or an employee from the executive branch in the unclassified service of this State, except for an officer or enlisted person in the Maine National Guard, may not be a candidate for elective office in a partisan public election other than for a local office. This subsection may not be construed as prohibiting an officer or employee of the State from being a candidate in an election if none of the candidates is nominated or elected at that election as representing a party whose candidates for presidential elector received votes in the last preceding election during which presidential electors were selected. Law enforcement officers continue to be subject to departmental rules regarding procedures on candidacy.

[PL 2007, c. 130, §1 (AMD).]

5. Rights of voting and free expression. An officer or employee in the classified service or an employee from the executive branch in the unclassified service of this State retains the right to vote as that officer or employee chooses and to express opinions on political subjects and candidates.

[PL 1997, c. 498, §6 (NEW).]

6. Rights of participation in political organizations and activities. An officer or an employee of the classified service or an employee from the executive branch in the unclassified service of this State may:

A. Campaign for and hold an elective office in political clubs and organizations; [PL 1997, c. 498, §6 (NEW).]

B. Contribute money to political organizations or attend political fundraising functions; [PL 1997, c. 498, §6 (NEW).]

C. Donate personal time and service to a political cause; [PL 1997, c. 498, §6 (NEW).]

D. Be a candidate for public office in a nonpartisan election; and [PL 1997, c. 498, §6 (NEW).]

E. Participate in any other activity not specifically prohibited by state or federal law. [PL 1997, c. 498, §6 (NEW).]

[PL 1997, c. 498, §6 (NEW).]

7. Exemption of official duties. This section may not be construed to apply to any actions taken in order to carry out the duties and responsibilities of an officer's or employee's position, including but not limited to advocacy on policy issues or legislation.

[PL 1997, c. 498, §6 (NEW).]

SECTION HISTORY

PL 1997, c. 498, §6 (NEW). PL 2007, c. 130, §1 (AMD).

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