

# MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date April 10, 1974

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From Nicholas L. Caraganis, Director Dept. Personnel

Jon A. Lund, Attorney General Dept. Attorney General

Subject Visitation to State Office Buildings by Political Candidates and/or  
Other Persons.

A request has been made by a political candidate for permission to visit a State government agency's office for the purpose of soliciting votes from the employees in that office. This department has received inquiries concerning on-the-job political soliciting of State employees and has therefore prepared this outline of the subject. The proposed activities are those which attempt to engage the attention of State employees in the course of their work and which are primarily aimed at increasing employee support for a candidate running for a political office, e.g. passing out leaflets, handshaking, support-seeking conversations, etc.

1. The Personnel Board:

A. The Personnel Board and its Director have the power and duty to enforce, within their jurisdiction, a provision that prohibits State classified employees from being "in any manner concerned in soliciting or receiving any . . . contribution or political service . . . for any political purpose whatsoever from any officer, agent, clerk or employee of the State or from any person." (5 M.R.S.A. § 679). Clearly, classified employees may not engage in soliciting political service.

B. The election laws contain the following prohibition (subject to exceptions on highways, motor vehicles, and buildings used for temporarily sanctioned political activities, none of which concern us here):

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"No political advertisement shall be displayed or distributed in or on state-owned or state-leased property."  
 (21 M.R.S.A. § 1575-A).

This certainly prohibits all persons from passing out political leaflets, buttons, and similar campaign items on State property.

2. The Bureau of Public Improvements:

The Bureau of Public Improvements, pursuant to its authority to govern the "use, occupancy and security" of all properties "maintained by the State at the seat of government" (5 M.R.S.A. § 1742-A), has adopted a regulation which reads in pertinent part:

"No person shall solicit, give away, canvass, . . . or make collections for past or current obligations in the Capitol Area without written authorization . . ."

Thus, regulation of canvassing and soliciting (including political solicitation) on State property at the "seat of government" are under the Bureau's control according to statute and regulation.

3. The Federal Laws:

There are also Federal laws regarding political soliciting. Briefly, we would caution that any person, who engages in political soliciting and whose salary or compensation is derived from the United States Treasury or whose employment is in connection with an activity financed in whole or in part by Federal funds, runs the risk of violating Federal Laws [10 USCA § 602, 5 USCA §§ 1501, 1502(a)].

4. Recommendations:

To provide for the fair and consistent treatment of all State employees (classified and unclassified), and to ensure the uniformly efficient conduct of government business, it is recommended that a rule prohibiting on-the-job political solicitation of State employees be adopted. This should be done by the Governor making a rule applicable throughout the Executive branch. Furthermore, we recommend that the Governor consider presentment of legislation that would enlarge the Bureau of Public Improvement's authority under 5 M.R.S.A. § 1742-A, so that its regulations prohibiting soliciting could apply to all State properties; not just those at the seat of government.

  
JON A. LUND