

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

JOSEPH E. BRENNAN  
ATTORNEY GENERAL

*Continued from the Political Activities  
Security Report, Federal Activities*

*30 M.R.S.A. 951*

*30 M.R.S.A. 959*



RICHARD S. COHEN  
JOHN M. R. PATERSON  
DONALD G. ALEXANDER  
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

March 10, 1978

Honorable Linwood Palmer, Jr.  
House of Representatives  
State House  
Augusta, Maine

Re: Political Activities of Deputy Sheriffs.

Dear Representative Palmer:

This responds to your request for advice on what political activities are appropriate for deputy sheriffs to undertake. Initially, we would note that a fulltime deputy sheriff cannot hold any other municipal, county or state office during the term of his appointment. 30 M.R.S.A. § 951, ¶ 4.

Beyond this absolute prohibition, the appropriate scope of political activities by deputy sheriffs is outlined in 30 M.R.S.A. § 959. That section reads as follows:

"§ 959. Political activities

"1. Sheriff. No sheriff shall directly or indirectly coerce, attempt to coerce or command any county employee or deputy to pay, lend or contribute anything of value to, or to engage in any political service or activity on behalf of, a party, committee, organization, agency or person for political purposes.

"2. Sheriffs and deputies. No sheriff or deputy, whether a full-time, part-time or chief deputy, shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription, contribution or political service, whether voluntary or involuntary, for any political purpose from any person; except that while off duty and not in uniform a sheriff or deputy may engage in political activities relating to non-partisan municipal, school board or special district

elections and may solicit or receive contributions or political services for the purpose of electing himself to a political office.

"3. Official duties. Official duties undertaken solely to preserve the public peace and the order and security of polling places are not political services or activities.

"4. Rights of voting and free expression. A sheriff or any deputy shall retain the right to vote as he chooses, to express his opinions on political subjects or candidates and to attend and vote at party caucuses and conventions."

Basically, that section prohibits all deputies, whether full or part-time, from soliciting or receiving or involving themselves in soliciting or receiving contributions of money, time or other goods or services of political value. The key terms in this section are "assessment," "subscription," "contribution," or "political service." We have construed the first three words to relate primarily to solicitation of money or goods, including services, such as printing, which have monetary value. We construed the term "political services" to mean any specific service, such as soliciting people to work as volunteers in a political campaign.

In examining this section, we have kept in mind the doctrine of statutory interpretation that statutes which limit First Amendment rights must be strictly construed. For that reason, we have limited our interpretations of the above-listed words to those activities which are clearly covered by the words. (Thus, we have given informal advice that the prohibitions did not extend to obtaining signatures on nominating petitions.) There are exceptions to the prohibition which permit deputies to (a) engage in political activities relating to nonpartisan local elections, and (b) solicit or receive contributions or political services relating to electing the deputy himself to political office.

We would also note that subsection 4 of § 959 specifies that deputies are free to vote and free to express their opinions on political subjects and candidates and attend and vote at party caucuses and conventions. We would informally construe this section to permit deputies to advocate by word of mouth and to endorse the candidacy of individual political candidates and to permit their names to appear in connection with such candidacies.

Beyond these generalities, a detailed response to your opinion request is difficult without a specific fact situation with which to deal.

I hope this information is helpful. We remain available to respond to further questions if a specific fact situation develops which is of concern to you.

Sincerely,

*Joseph E. Brennan*  
JOSEPH E. BRENNAN  
Attorney General

JEB/ec