

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
(New Draft of H.P. 31, L.D. 32)  
(New Title)  
FIRST REGULAR SESSION

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ONE HUNDRED AND TWELFTH LEGISLATURE

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Legislative Document

No. 616

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H.P. 467

House of Representatives, February 21, 1985

Reported by Representative Gwadosky from the Committee on State Government and printed under Joint Rule 2. Original bill sponsored by Representative Strout of Corinth. Cosponsored by Senator Pearson of Penobscot and Representative Soucy of Kittery.

EDWIN H. PERT, Clerk

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-FIVE

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AN ACT Pertaining to Law Enforcement Officers  
and Public Office Holding.

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Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, interpretation of current provisions concerning members of the State Police are ambiguous; and

Whereas, several members of the State Police currently hold nonpartisan offices within their communities and their continuation in those positions is in jeopardy without the clarification provided in this legislation; and

Whereas, currently there are no specific statutory provisions providing protection to the voting pub-

1 lic from the abuse of the office held by a law en-  
2 forcement officer or his representative while solici-  
3 tating funds for a campaign for a nonpartisan public  
4 office; and

5 Whereas, in the judgment of the Legislature,  
6 these facts create an emergency within the meaning of  
7 the Constitution of Maine and require the following  
8 legislation as immediately necessary for the preser-  
9 vation of the public peace, health and safety; now,  
10 therefore,

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

13 Sec. 1. 25 MRSA §1503 is amended to read:

14 §1503. Uniform and equipment

15 Members of the State Police shall be provided at  
16 the expense of the State with a distinctive uniform  
17 and badge, and with suitable equipment, all of which  
18 shall remain the property of the State. When on duty  
19 to enforce the laws of the road, and at such other  
20 times as the chief may require, state policemen shall  
21 be in uniform. ~~They shall hold no other office during~~  
22 ~~their term of service.~~ It shall be unlawful for any  
23 person to wear the prescribed uniform or badge of the  
24 State Police or any distinctive part thereof, except  
25 on order of the Chief of ~~said~~ the State Police.

26 Sec. 2. 25 MRSA c. 403, first 2 lines are re-  
27 pealed and the following enacted in their place:

28 CHAPTER 403

29 SOLICITATION BY LAW ENFORCEMENT OFFICERS

30 SUBCHAPTER I

31 GENERAL PROVISIONS

32 Sec. 3. 25 MRSA c. 403, sub-c. II is enacted to  
33 read:

34 SUBCHAPTER II

1        LAW ENFORCEMENT OFFICERS AND PUBLIC OFFICE HOLDING

2        §3711. No solicitation while dressed in uniform

3            No law enforcement officer, as defined in section  
4        3701, may solicit funds or anything of value in the  
5        furtherance of any campaign for public office while he  
6        is dressed in uniform or while wearing the badge of  
7        the law enforcement agency that employs him.

8        §3712. No solicitation by law enforcement officers

9            No law enforcement officer, as defined in section  
10       3701, may solicit funds or anything of value for the  
11       furtherance of his campaign for a nonpartisan public  
12       office. Nothing in this subchapter may be construed  
13       to prohibit any other person from soliciting money  
14       for the campaign of a law enforcement officer for  
15       nonpartisan office.

16       §3713. Prohibited activities of law enforcement of-  
17       icers for public office

18            1. Use of authority. No law enforcement offi-  
19       cer, as defined in section 3701, may use his official  
20       authority or influence for the purpose of interfering  
21       with or affecting the result of an election or nomi-  
22       nation for public office.

23            2. Coercion of contributions. No law enforce-  
24       ment officer, as defined in section 3701, or any oth-  
25       er person representing a law enforcement officer may  
26       directly or indirectly coerce, attempt to coerce or  
27       command any person to pay, lend or contribute any-  
28       thing of value for the furtherance of a campaign by a  
29       law enforcement officer for public office.

30       §3714. Penalty

31            Any person found to be in violation of this sub-  
32       chapter is guilty of a Class E crime.

33            Emergency clause. In view of the emergency cited  
34       in the preamble, this Act shall take effect when ap-  
35       proved.

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STATEMENT OF FACT

2           The purpose of this new draft is twofold. This  
3 new draft subjects all law enforcement officers to  
4 the same conditions with respect to campaigns for  
5 nonpartisan public office. This new draft seeks to  
6 protect the general public from the potential abuse  
7 of power that could occur as the result of law en-  
8 forcement officers who campaign for nonpartisan pub-  
9 lic office. This new draft, while allowing a law en-  
10 forcement officer to run in a nonpartisan election  
11 for the town or city council, school board or similar  
12 position, provides for the protection of the general  
13 public from the greater opportunity for the abuse of  
14 authority that resides with a law enforcement posi-  
15 tion as compared to may other types of occupational  
16 and professional positions.

17           To accomplish this purpose, the new draft:

18           1. Allows the State Police, currently prohibited  
19 from running for public office, to run for nonparti-  
20 san public office. This privilege is currently en-  
21 joyed by all other law enforcement officers except  
22 the State Police;

23           2. Prohibits any law enforcement officer from  
24 soliciting funds for any campaign for public office  
25 while dressed in uniform or wearing a law enforcement  
26 officer's badge;

27           3. Prohibits a law enforcement officer from per-  
28 sonally soliciting funds for any campaign for nonpar-  
29 tisan office but allows any other person to solicit  
30 funds for the officer's campaign; and

31           Prohibits a law enforcement officer from coercing  
32 contributions for any nonpartisan or partisan cam-  
33 paign.

34           Law enforcement officers are prohibited from  
35 using their official position to influence or inter-  
36 fere with an election. The penalty for violation of  
37 these provisions is a Class E crime.

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