

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 817

S.P. 248

In Senate, February 6, 1997

**An Act Relating to the Use of Public Offices or Agency Facilities in  
Campaigns and Ballot Questions.**

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Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DAGGETT of Kennebec.  
Cosponsored by Senator BENNETT of Oxford, Representatives: KONTOS of Windham,  
PERKINS of Penobscot, VIGUE of Winslow.

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

4 **Sec. 1. 5 MRSA §14-A** is enacted to read:

6 **§14-A. Use of public office or agency facilities in campaigns;**  
8 **prohibited**

10 **1. Prohibited activities.** **An elected official or an**  
12 **employee of an elected official's office or any person appointed**  
14 **to or employed by any public office or agency may not use or**  
16 **authorize the use of any of the facilities of a public office or**  
18 **agency, directly or indirectly, for the purpose of assisting a**  
20 **campaign for election of any person to any office or for the**  
22 **promotion of, or opposition to, a ballot proposition. Facilities**  
24 **of a public office or an agency include, but are not limited to,**  
26 **the use of stationery, postage, machines and equipment,**  
28 **assistance from employees of the office or agency during working**  
30 **hours, vehicles, office space, publications of the office or**  
32 **agency and clientele lists of persons served by the office or**  
34 **agency.**

36 **2 Exceptions.** **This section does not apply to the following**  
38 **activities:**

40 **A. Action taken at an open public meeting by members of an**  
42 **elected legislative body to express a collective decision,**  
44 **or to actually vote upon a motion, proposal, resolution,**  
46 **order or ordinance, or to support or oppose a ballot**  
48 **proposition as long as any required notice of the meeting**  
50 **includes the title and number of the ballot proposition and**  
52 **members of the legislative body or members of the public are**  
54 **afforded an approximately equal opportunity for the**  
56 **expression of an opposing view;**

58 **B. A statement by an elected official in support of or in**  
60 **opposition to any ballot proposition at an open press**  
62 **conference or in response to a specific inquiry; or**

64 **C. Activities that are part of the normal and regular**  
66 **conduct of the office or agency.**

68 **SUMMARY**

70 **This bill prohibits the use of a public office or agency**  
72 **facilities by an elected official, or an employee of any elected**  
74 **official, for the purpose of assisting a campaign for the**  
76 **election of any person to any office or for the promotion of, or**  
78 **opposition to, any ballot proposition.**