



MAINE STATE POLICE GENERAL ORDER

E-26

SUBJECT: MAINE STATE POLICE POLICY REGARDING MAINE STATE POLICE EMPLOYEES' PARTICIPATION IN POLITICAL MATTERS

EFFECTIVE DATE: 02.05.2021

EXPIRATION DATE: 02.05.2028

RECENT HISTORY: AMENDED (02.05.2021); AMENDED (08.01.2020); AMENDED (04.13.2017); AMENDED (05.19.2015); REVISES MSP GO E-26 (05.25.2010); RESCINDS G.O. 26C (06.01.2002)

DISTRIBUTION CODE: 2 (MAY BE PUBLICLY DISCLOSED)

APPLICABILITY CODE: C, S, Z

MLEAP: 2.15

SIGNATURE OF COLONEL:

A handwritten signature in blue ink, which appears to read "John Cote", is written over a light blue rectangular background.

I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police regarding Maine State Police employees' participation in political matters.

II. POLICY

1. The policy of the Maine State Police is to ensure that Maine State Police employees may fully and freely participate in political matters, in accordance with, and to the extent permitted by, applicable law.

III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
 - A. Colonel. "Colonel" means the Chief of the Maine State Police, or her or his designee.
 - B. Legislative committee. "Legislative committee" means a joint standing committee of the Maine Legislature, a joint select committee of the Maine Legislature, a task force, commission or council or any other committee established by the Maine Legislature and composed wholly or partly of Maine Legislators for the purpose of conducting legislative business.
 - C. Legislative inquiry. "Legislative inquiry" means any request made by a legislative committee or individual Maine Legislator to a state employee for public information or the state employee's personal opinion.
 - D. Maine State Police employee. "Maine State Police employee" means a sworn or civilian employee of the Maine Department of Public Safety, Maine State Police.
 - E. Own time. "Own time" means an employee's personal time or authorized leave time, earned as a condition of employment.
 - F. Political activity. "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 Maine Senate and the Maine House of Representatives or to solicit contributions reportable under 21-A MRSA c. 13, Campaign reports and finances.
 - G. Supervisor. "Supervisor" means the Commissioner, the Colonel, or any other person who oversees or supervises Maine State Police employees in their employment.
 - H. Use of official authority or influence. "Use of official authority or influence" means, but is not limited to, the following types of actions: 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.

IV. PROCEDURE

1. GENERALLY

A. Maine State Police employees shall be generally familiar with the following provisions of law:

1. 5 MRSA sec. 7056-A, Political activity;
2. 5 MRSA c. 2, Testimony provided by State employees to Legislative committee.

2. USE OF OFFICIAL AUTHORITY IN POLITICAL MATTERS

A. A Maine State Police employee may not use her or his official authority, influence, or supervisory position for the purpose of:

1. Interfering with or affecting the result of a partisan election or nomination for elective office; or
2. 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.

3. POLITICAL CONTRIBUTIONS

A. A Maine State Police employee may not:

1. 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;
2. 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;
3. Knowingly give or hand over a political contribution to a superior of the employee;

4. Knowingly solicit, accept, or receive, or be in any manner concerned with soliciting, accepting, or receiving, a political contribution from any other State of Maine employee or a member of any other State of Maine employee's immediate family who is a subordinate of the Maine State Police employee; or
5. Knowingly solicit, accept, or receive a political contribution from or give a political contribution to any person who:
 - a. Has or is seeking to obtain contractual or other business or financial relations with the Maine Department of Public Safety or Maine State Police;
 - b. Conducts operations or activities that are regulated by the Maine Department of Public Safety or Maine State Police; or
 - c. Has interests that may be substantially affected by the performance or nonperformance of the Maine State Police employee's official duties.

4. POLITICAL ACTIVITY

A. A Maine State Police employee may not engage in political activity:

1. When he or she is on duty;
2. In a State-owned or -leased workspace occupied in the discharge of official duties or by using the facilities (e.g., buildings or offices) or services (e.g., OIT services, computers, telephones) of the State;
3. When wearing a uniform or official insignia identifying the office or position of the employee; or
4. While using a vehicle owned or leased by the State or any of its agencies.

5. CANDIDACY FOR ELECTIVE OFFICE

A. A Maine State Police employee may not be a candidate for elective office in a partisan public election other than for a local office.

1. This provision is not to be construed as prohibiting a Maine State Police employee 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.

- a. Maine State Police sworn officers continue to be subject to Maine State Police rules regarding procedures on candidacy.

6. VOTING RIGHTS AND FREE EXPRESSION

- A. Each Maine State Police employee retains the right to vote as he or she chooses and to express opinions on political subjects and candidates.

7. RIGHTS OF PARTICIPATION IN POLITICAL ORGANIZATIONS AND ACTIVITIES

- A. A Maine State Police employee may:

1. Campaign for and hold an elective office in political clubs and organizations;
2. Contribute money to political organizations or attend political fundraising functions;
3. Donate personal time and service to a political cause;
4. Be a candidate for public office in a nonpartisan election; and
5. Participate in any other activity not specifically prohibited by State or Federal law.

8. CONSTRUCTION OF THE FOREGOING PROVISIONS

- A. The foregoing provisions of this order are not to be construed to apply to any actions taken by a Maine State Police employee in order to carry out the duties and responsibilities of the employee's position, including, but not limited to, advocacy on policy issues or legislation.

9. TESTIFYING BEFORE THE MAINE LEGISLATURE

- A. In accordance with, and to the extent permitted by, applicable law (*see generally 5 MRSA c. 2, Testimony provided by State employees to Legislative Committees*), Maine State Police employees:
 - 1. Have the right to represent themselves and testify before a legislative committee on their own time;
 - 2. Have the right to respond to any legislative inquiry on their own time.
- B. A supervisor shall not discharge, threaten, or otherwise discriminate against a Maine State Police employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because the employee, in accordance with, and to the extent permitted by, applicable law, testified before or provides information to a legislative committee.
- C. A Maine State Police employee:
 - 1. May testify before or present information to a legislative committee as a representative of the Maine State Police only if first authorized to do so by the Colonel;
 - 2. May testify before or present information to a legislative committee as a representative of the Maine Department of Public Safety only if first authorized to do so by the Commissioner of the department, or her or his designee.
 - 3. A sworn officer of the Maine State Police shall not appear in uniform at or before a committee of the Maine Legislature unless first authorized to do by the Colonel.
- D. **NOTE:** A State of Maine employee--including, but not limited to, a Maine State Police employee--who represents her- or himself as a spokesman or representative of the Maine State Police or Maine Department of Public Safety without the authorization of, respectively, the Colonel or the Commissioner, or their designees, commits a Class E crime. *See 5 MRSA § 27, sub-§§ 2 & 3.*

10. ACKNOWLEDGEMENT OF RECEIPT OF THIS POLICY **MLEAP 2.15**

- A. The Maine State Police shall ensure that the employees to whom this policy applies acknowledge receipt of the policy.

1. Such acknowledgement must be provided in writing, including, but not limited to, electronically (including, e.g., via email).

NOTICE

THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.