

STATE OF MAINE
SUPREME JUDICIAL COURT
AMENDMENT TO
MAINE CODE OF JUDICIAL CONDUCT

2017 Me. Rules 09

Effective: September 5, 2017

All of the Justices concurring therein, the following amendment to the Maine Code of Judicial Conduct is adopted to be effective on the date indicated above. The specific amendment is stated below. To aid in the understanding of the amendment, an Advisory Note appears after the text of the Rule amendment. The Advisory Note states the reason for the amendment but the Advisory Note is not part of the amendment adopted by the Court.

1. Rule 4.1(A) of the Maine Code of Judicial Conduct is amended to read as follows:

RULE 4.1

Political Conduct of Incumbent Judges and Judicial Candidates in General

(A) Except as permitted by law, or by the Rules of this Canon, a judge or a judicial candidate shall not

(1) Act as a leader in, or hold an office in, a political organization;

(2) Make speeches on behalf of a political organization;

(3) Publicly endorse or oppose a candidate for any public office;

(4) ~~Solicit funds for, pay an assessment to, or make a contribution to a political organization or a candidate for public office~~ Attend political gatherings;

(5) ~~Attend political gatherings or purchase tickets for political party dinners or other events sponsored by a political organization or candidate for public office~~ Solicit funds for, pay an assessment to, or

make a contribution to a political organization or a candidate for public office;

(6) Engage in any other political activity except as authorized under any other section of this Code or on behalf of measures to improve the law, the legal system, or the administration of justice; or

(7) Use court staff, facilities, or other court resources in a campaign for judicial office.

Advisory Note – August 2017

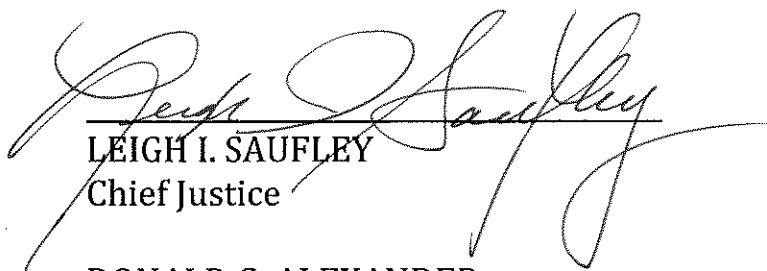
Rule 4.1 must be read in conjunction with Section I(B)(2) of the Code, which discusses the applicability of the Code to probate judges. It states, “A judge of the Probate Courts shall comply with the provisions of this Code, except that a judge of probate [i]s not required to comply with Rules 3.8, 3.9, 3.10, 3.11(B), 3.12, and 4.1(A)(1)-(4).” With the amendment above, therefore, judges of probate are not permitted to “[s]olicit funds for, pay an assessment to, or make a contribution to a political organization or a candidate for public office,” but *are* permitted to “[a]ttend political gatherings.”

Before 2015, probate judges and candidates for the office of Probate Judge were permitted to attend political gatherings but were not permitted to solicit funds for or make political contributions to political organizations or candidates. M. Code Jud. Conduct Part II, § 1(B); M. Code Jud. Conduct Canon 5(A) (Tower 2014) (repealed and replaced effective Sept. 1, 2015). When the new Code was adopted, these activities were transposed, so that Probate judges and candidates for the office of Probate Judge *could* solicit funds and make contributions, but *could not* attend political gatherings.

The amendment to Rule 4.1(A) is intended to correct the transposition that occurred when the new Code was adopted.

Dated: September 5, 2017

FOR THE COURT,*



LEIGH I. SAUFLEY
Chief Justice

DONALD G. ALEXANDER
ANDREW M. MEAD
ELLEN A. GORMAN
JOSEPH M. JABAR
JEFFREY L. HJELM
THOMAS E. HUMPHREY
Associate Justices

* This Rule Amendment Order was approved after conference of the Court, all Justices concurring therein.