

STATE OF MAINE  
SUPREME JUDICIAL COURT  
**PROPOSED** AMENDMENTS TO  
MAINE CODE OF JUDICIAL CONDUCT

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

***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 Conduct Canon 5(A) (Tower 2014) (repealed and replaced effective Sept. 1, 2015).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.