



LEGAL PROTECTIONS FOR PUBLIC HEALTH OFFICIALS

Maine Fact Sheet

Obstructing Government Administration

Nationwide, state and local public health officials working to protect the public from COVID-19 are on the receiving end of threatening and harassing conduct for simply fulfilling their duty to protect the public health. In response, the Network conducted research to examine whether the states and Washington, D.C., have criminal statutes punishing individuals who impede public health officials' duties with such behavior. Our research is presented in this [chart](#). Many states have adopted statutes to protect public officials generally; included here are those with broad enough language to include public health officials. However, we have also included the three states with laws that if broadened, would encompass public health officials, namely, Illinois, North Carolina, and Vermont. While 35 states and Washington, D.C., have such a statute, the remaining 15 states either do not have a statute protecting government officials in these circumstances or do not have one protecting public health officials. Of the 35 states and Washington, D.C., all but two, Louisiana and Oklahoma, include protections for state **and** local officials. Below is more information on Maine's relevant law.


17-A M.R.S.A. § 751 Obstructing government administration

1. A person is guilty of obstructing government administration if the person intentionally interferes by force, violence or intimidation or by any physical act with a public servant performing or purporting to perform an official function.
2. This section does not apply to:
 - A. Refusal by a person to submit to an arrest or detention; or
 - B. Escape by a person from official custody, as defined in section 755.
3. Obstructing government administration is a Class D crime.

Relevant Definitions

17-A M.R.S.A. § 2 Definitions

“**Government**” means the United States, any state or any county, municipality or other political unit within territory belonging to the State, the United States, or any department, agency or subdivision of any of the foregoing, or any corporation or other association carrying out the functions of government or formed pursuant to interstate compact or international treaty.



“**Public servant**” means any official officer or employee of any branch of government and any person participating as juror, advisor, consultant or otherwise, in performing a governmental function. A person is considered a public servant upon the person's election, appointment or other designation as such, although the person may not yet officially occupy that position.

Penalties

17-A M.R.S.A. § 1604

Classified as a Class D crime and carries up to 1 year imprisonment

17-A M.R.S.A. § 1704

\$2,000 maximum fine

Summary

A person obstructs government administration if they intentionally interfere by force, violence, intimidation, or a physical act, with a public servant's performance of an official function. “Government” includes any state, county, municipality, or political unit. “Public servant” includes an official officer or employee of any branch of state or local government. A person convicted faces imprisonment up to 1 year and a \$2,000 maximum fine.

Template for Notifying Violators

Below is a sample template for notifying individuals regarding their conduct relative to the code.

Maine Criminal Code, Title 17-A, § 751, prohibits interference with a public official by force, violence, or intimidation.

[Insert here a description of the conduct with a date—for example: On August 28, 2020, you sent an email to Dr. X, the Secretary of Health for Maine, threatening to come to her home and show your opposition to the State's mask requirement.] *This may constitute a violation of §751. If convicted, you face a fine of up to \$2,000 and imprisonment up to 1 year.*

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*
- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*