

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1832

S.P. 675

In Senate, January 21, 2004

An Act To Maintain the Current Statutes Regarding Unlawful Solicitation To Benefit Law Enforcement Agencies

(EMERGENCY)

Reported by Senator STRIMLING of Cumberland for the Joint Standing Committee on Criminal Justice and Public Safety pursuant to Public Law 2001, Chapter 582, Section 4.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed under Joint Rule 218.

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

JOY J. O'BRIEN
Secretary of the Senate

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

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6 **Whereas,** this legislation needs to take effect before the
expiration of the 90-day period in order to prevent changes to
the law that are scheduled to take effect before the expiration
8 of the 90-day period; and

10 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
12 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
14 safety; now, therefore,

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

18 **Sec. 1. 25 MRSA §3701, sub-§6,** as enacted by PL 2001, c. 582,
§1, is amended to read:

20 **6. Solicitation agent.** "Solicitation agent" means a person
22 or entity that receives payment for or retains any portion of the
proceeds from soliciting. "Solicitation agent" includes, but is
24 not limited to, a person or entity that receives or retains
reimbursement for expenses related to soliciting.

26 ~~This subsection is repealed February 1, 2004.~~

28 **Sec. 2. 25 MRSA §3702-A,** as amended by PL 2001, c. 582, §2,
30 is further amended to read:

32 **§3702-A. Solicitation unlawful**

34 A law enforcement agency, law enforcement association, law
enforcement officer or solicitation agent may not solicit
36 property from the general public when the property or any part of
that property in any way tangibly benefits, is intended to
38 tangibly benefit or is represented to be for the tangible benefit
of any law enforcement officer, law enforcement agency or law
40 enforcement association. Any violation of this chapter
constitutes a violation of the Maine Unfair Trade Practices Act.
42 ~~This section is repealed February 1, 2004.~~

44 **Sec. 3. 25 MRSA §3702-B,** as enacted by PL 2001, c. 582, §3,
is repealed.

46 **Emergency clause.** In view of the emergency cited in the
48 preamble, this Act takes effect when approved.

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SUMMARY

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6 This bill removes language that repeals the current law
regarding unlawful solicitation to benefit law enforcement
agencies. This bill allows a person to continue to solicit as
8 long as property solicited in no way tangibly benefits the
solicitor.