

MAINE STATE LEGISLATURE

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LD 1832

June 2, 2003

Honorable Ethan Strimling, Senate Chair
Honorable George Bunker, House Chair
Members of the Joint Standing Committee on Criminal Justice and Public Safety
State House
Augusta, ME 04333

RE: Report on Law Enforcement Officers Solicitation Act required by 2001
Public Law Ch. 582

Dear Senator Strimling and Representative Bunker:

The 120th Legislature adopted Public Law, Chapter 582, An Act to Clarify the Law Governing Unlawful Solicitation to Benefit Law Enforcement Agencies. The law allows non-law enforcement officers who have no financial interest at stake to solicit property from the general public for the tangible benefit of law enforcement officers, agencies, and associations. Law enforcement officers, paid solicitors, and solicitors who reimburse their expenses from the proceeds of soliciting are still barred from soliciting for law enforcement. These provisions are scheduled to sunset on February 1, 2004, when the law will revert back to its form prior to the passage of Public Law 582.

Public Law 582 also calls for the Attorney General's Office, the Maine Sheriffs' Association, the Maine Chiefs of Police Association, the Maine State Troopers Association, and the Maine Association of Police to report to your committee their "findings" related to the change in the law. This letter is the product of a recent meeting to which all of the reporting associations were invited and three attended. Drafts of this letter have been circulated to the associations, and comments have been integrated.

We find that the change to the Solicitation by Law Enforcement Officers Act embodied in Public Law 582 has not impeded the State's ability to prevent inherently coercive solicitations that benefit law enforcement, consistent with the legislative intent in that law. Law enforcement officers, agencies, and associations have regularly consulted with the Attorney General's Office about whether a contemplated solicitation complies with the law. This has promoted a better understanding of and greater compliance with the law. The Attorney General has brought and settled one case under

the Solicitation by Law Enforcement Officers Act since the passage of Public Law 582, but the case cannot be attributed to any problem with the change in the law.

To summarize, we find that the sunset provisions of Public Law 582 could be repealed without peril to the basic integrity of the Solicitation by Law Enforcement Officers Act. We are happy to meet with you to discuss this matter at your convenience.

Yours truly,

Charles A. Dow
Special Assistant Attorney General

Cc: Maine Chiefs of Police Association
Maine Sheriffs' Association
Maine Association of Police
Maine State Troopers Association
Maine Vest-A-Dog