

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 664

H. P. 547

House of Representatives, March 1, 1977

Referred to the Committee on Business Legislation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Carroll of Limerick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Concerning Solicitation by Law Enforcement Officers.

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

25 MRSA c. 403 is enacted to read:

CHAPTER 403

SOLICITATION BY LAW ENFORCEMENT OFFICERS

§ 3701. Definitions

As used in this chapter, unless the context clearly indicates otherwise, the following words shall have the following meanings.

1. Law enforcement agency. "Law enforcement agency" means any state, county, municipality or other political unit within the territory belonging to the State or any department, agency or subdivision of any of the foregoing, or any corporation or other association carrying out the functions of government that employs law enforcement officers.

2. Law enforcement association. "Law enforcement association" means a corporation, partnership, unincorporated association or any other legal entity, including a benevolent association, whose members are primarily law enforcement officers.

3. Law enforcement officer. "Law enforcement officer" means any person who by virtue of public employment is vested by law with a duty to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

4. Property. "Property" means any money, service, gift or anything of value, including a promise.

5. Solicit. "Solicit" means to request property. The word means and includes, but is not limited to, the following methods of securing property:

A. Any verbal request, including, but not limited to, a request that is made in person, by telephone or through any advertising media;

B. Any written request, including, but not limited to, a request that is sent, delivered or distributed or any advertisement posted in a public place or appearing in a newspaper, television or other advertising media; and

C. The sale of, offer or attempt to sell, any advertisement, advertising space, book, card, tag, coupon, ticket, device, magazine, membership, subscription or other tangible item or thing of value.

§ 3702. Solicitation unlawful

No person shall solicit property from the general public when the property, or any part of it, in any way benefits, is intended to benefit or is represented to be for the benefit of any law enforcement officer, law enforcement agency or law enforcement association.

Any violation of this chapter shall constitute a violation of Title 5, chapter 10, the Unfair Trade Practices Act.

§ 3703. Exception for law enforcement officers elected to public office

Nothing in this chapter shall prevent any person from soliciting funds to pay obligations incurred or about to be incurred in the furtherance of, or as the result of, a campaign by a law enforcement officer for public office.

STATEMENT OF FACT

The purpose of this bill is to prevent police officers and their agents from soliciting contributions from the general public to raise money for the benefit of a law enforcement agency or its benevolent association. Solicitation by a law enforcement agency is inherently coercive. Even though no coercive statements are made during these solicitations, those citizens who are solicited feel that they have to contribute to remain on a friendly basis with the law enforcement agency which is responsible for protecting their property. There is an exception allowing elected law enforcement officers such as sheriffs to solicit campaign contributions.