

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 634,
L.D. 1682, Bill, "An Act to Amend the Laws Concerning
Solicitation by Law Enforcement Officers"

Amend the amendment by striking out everything after the
title and before the statement of fact and inserting in its place
the following:

'Amend the bill by striking out everything after the
enacting clause and before the statement of fact and inserting in
its place the following:

'Sec. 1. 25 MRSA §3702, as amended by PL 1983, c. 330, is
repealed.

Sec. 2. 25 MRSA §3702-A is enacted to read:

§3702-A. Solicitation unlawful

A person may not solicit property from the general public
when the property or any part of that property in any way
tangibly benefits, is intended to tangibly benefit or is
represented to be for the tangible benefit of any law enforcement
officer, law enforcement agency or law enforcement association.
Any violation of this chapter constitutes a violation of the
Maine Unfair Trade Practices Act.

Sec. 3. 25 MRSA §3705, as enacted by PL 1983, c. 819, Pt. A,
§56, is repealed.

Sec. 4. 25 MRSA §3706, as enacted by PL 1989, c. 653, is
repealed.

Sec. 5. Legislative intent. It is the intent of the Legislature
to repeal all exceptions to the prohibition against solicitation
by law enforcement agencies, officers and associations. The
Legislature finds that the various exceptions to the prohibition
enacted over the years, in fact, have led to

inherently coercive solicitations and that those exceptions ultimately undermine the integrity of law enforcement. As a consequence, the Legislature repeals these exceptions and reenacts the prohibition on solicitations by or on behalf of law enforcement. The Legislature further finds that solicitations for charitable purposes unrelated to law enforcement activities are not inherently coercive because the person solicited will know that law enforcement agencies or officers do not gain any tangible benefit and, consequently, will not be concerned with who donates. This Act clarifies and reaffirms that the primary and compelling purpose underlying the laws governing solicitation by law enforcement officers is to eliminate the coercion that is inherent in solicitations by and on behalf of law enforcement officers by prohibiting such solicitations. When a law enforcement officer solicits from a prospective donor, the donor may not feel totally free to reject the request in light of the officer's position. This occurs regardless of the subjective intent of the officer to coerce the prospective donor. In addition to the effect on the prospective donor, the appearance of the transaction to 3rd persons may undermine public confidence in the integrity of the public office. At least the appearance of coercion inheres in every solicitation that tangibly benefits law enforcement agents and the appearance undermines the integrity of the office. The Legislature finds that the State has a compelling interest in preserving the integrity of law enforcement officers and finds that regulating all law enforcement solicitations that tangibly benefit law enforcement is necessary to promote this compelling state interest."

STATEMENT OF FACT

This amendment reenacts the ban on solicitation in the Maine Revised Statutes, Title 25, section 3702-A. The amendment also adds language to the legislative intent section of the bill to further clarify the Legislature's purpose in enacting this law.

Filed by Rep. Lawrence of Kittery
Reproduced and distributed under the direction of the Clerk of the House
(6/11/91) (Filing No. H-636)