

MAINE STATE LEGISLATURE

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

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

Amend the bill by striking out all of section 1 and inserting in its place the following:

Sec. 1. 25 MRSA §3701, sub-§1-A is enacted to read:

1-A. Governing officer. "Governing officer" means the chief of police of the municipality in which the law enforcement officer is employed or the law enforcement agency is located with respect to law enforcement officers other than sheriffs, the Attorney General and the head of any association or auxilliary of law enforcement officers.

Sec. 2. 25 MRSA §3702, as amended by PL 1983, c. 330, is repealed.

Sec. 3. 25 MRSA §§3702-A and 3702-B are enacted to read:

§3702-A. Standards for solicitation

1. Solicitation subject to standards. Unless the solicitation is conducted in accordance with this subchapter, a person may not solicit property from the general public when:

A. The property or any part of that property in any way benefits, is intended to benefit or is represented to be for the benefit of any law enforcement officer, law enforcement agency, law enforcement association or law enforcement auxilliary; or

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2 B. The solicitation is conducted by a law enforcement
4 officer and the law enforcement officer professes to be a
6 law enforcement officer or to be participating in an event
8 that is sponsored by a law enforcement officer, law
 enforcement agency, law enforcement association or law
 enforcement auxilliary.

10 This subchapter does not apply to solicitation by a person who is
12 a law enforcement officer when that person does not profess to be
14 soliciting the property as a law enforcement officer or for the
 benefit of any law enforcement officer, law enforcement agency,
 law enforcement association or law enforcement auxilliary.

16 2. Oversight by governing officer. A law enforcement
18 officer, agency, association or auxilliary may solicit property
20 from the general public and designate one or more persons or
 organizations to conduct solicitation as long as the solicitation
 is conducted at no charge subject to regulation by the governing
 officer.

22 3. Off-duty solicitation; no uniforms. A law enforcement
24 officer may not solicit property from the general public while
26 dressed in uniform or wearing the badge of the law enforcement
28 agency that employs that person. A law enforcement officer may
 not solicit property from the general public while on duty or
 during work hours.

30 4. No consideration for contributions. In conducting
32 solicitation authorized pursuant to this section, a person may
34 not offer to enforce the law in a manner different from the
 enforcement offered to any other member of the public or offer
 any other inducement relating to performance of any law
 enforcement officer's duty in return for a contribution.

36 5. Notice to Attorney General. The governing officer of
38 any law enforcement officer, law enforcement agency, law
40 enforcement association or law enforcement auxilliary shall
42 notify the Attorney General at least 24 hours before soliciting
 property from the general public or permitting the solicitation
 by persons under the governing officer's control.

44 6. Notify Attorney General of complaints. The governing
46 officer shall notify the Attorney General within 7 days of
 receiving any written or oral complaint by any person regarding a
 solicitation conducted under this subchapter.

48 §3702-B. Violations; complaints

50 1. Determination of violations. The Attorney General shall
52 conduct a public hearing to determine whether the solicitation
 that is the subject of the complaint violates section 3702-A. If

2 the Attorney General determines that the complaint violates any
4 provision of section 3702-A, the Attorney General may issue an
order to the governing officer presiding over the solicitation to
stop the solicitation.

6 2. Consideration of other complaints. The Attorney General
8 may conduct a hearing on complaints regarding any actions
10 relating to solicitation governed by this subchapter, regardless
12 of whether the complaint alleges a violation of section 3702-A.
The Attorney General may recommend to the governing officer any
actions that may be taken to alleviate the concerns raised by the
complaint.

14 3. Report by Attorney General. The Attorney General shall
16 report to the Executive Director of the Legislative Council by
18 January 1, 1993 on the operation of this subchapter, including
20 any information on the number of complaints filed regarding
solicitation subject to this subchapter, the resolution of those
complaints and the total number of solicitation activities
conducted between the effective date of this section and the date
of the report.'

22 Further amend the bill by renumbering the sections to read
24 consecutively.

26 **STATEMENT OF FACT**

28 This amendment permits solicitation by law enforcement
30 officers, or on their behalf, if the solicitation is conducted
32 under safeguards designed to ensure that persons will not feel
34 coerced to make contributions. The amendment also establishes
36 that complaints be handled by the Attorney General to help
enforce the provisions of the law and to give persons with
concerns about solicitations a forum to hear their concerns. It
also prohibits the use of fundraising organizations who charge
for their services.

Filed by Rep. Handy of Lewiston
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