

MAINE STATE LEGISLATURE

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L.D. 2090

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DATE: *March 7, 2002* (Filing No. S-457)

CRIMINAL JUSTICE

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STATE OF MAINE
SENATE
120TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 753, L.D. 2090, Bill, "An Act to Clarify the Law Governing Unlawful Solicitation to Benefit Law Enforcement Agencies"

Amend the bill in section 1 in subsection 6 by inserting at the end a blocked paragraph to read:

'This subsection is repealed February 1, 2004.'

Further amend the bill in section 2 in that part designated "**§3702-A.**" in the first paragraph in the last line by inserting after the following: "Act." the following: 'This section is repealed February 1, 2004.'

Further amend the bill by inserting after section 2 the following:

'Sec. 3. 25 MRSA §3702-B is enacted to read:

§3702-B. 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. A violation of this chapter constitutes a violation of the Maine Unfair Trade Practices Act. This section takes effect February 1, 2004.

COMMITTEE AMENDMENT "A" to S.P. 753, L.D. 2090

2 Sheriffs' Association, the Maine Chiefs of Police Association,
the Maine State Troopers Association and the Maine Association of
4 Police to report their findings related to the change in the law
enforcement solicitation law that allows persons to solicit the
6 public for the tangible benefit of law enforcement as long as the
solicitor has no financial interest in the solicitation to the
8 joint standing committee of the Legislature having jurisdiction
over criminal justice matters by May 1, 2003. Upon receiving
10 that report and reviewing the law, the committee may report out
legislation to amend the law if necessary. If the committee
12 takes no action, the amendment to the solicitation law will be
repealed February 1, 2004, and the former law will be reenacted.

14 The amendment also adds a legislative intent section that
clarifies that, for purposes of solicitation to benefit law
16 enforcement, the Legislature finds that there is no inherent
coercion or appearance of coercion when the person soliciting has
18 no financial interest at stake, because the person solicited will
know that the person soliciting will not gain any tangible
20 benefit from the solicitation and, consequently, will not be
concerned with who donates.

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The amendment also adds a fiscal note to the bill.