

	L.D. 2090
2	DATE: March 7, 2002 (Filing No. 5-457)
4	DATE: $(arch l_1 = 0.02 = (Filling No. 5-4.57)$
6	CRIMINAL JUSTICE
8	Reported by:
10	Reproduced and distributed under the direction of the Secretary of the Senate.
12	STATE OF MAINE
14	SENATE
1.6	120TH LEGISLATURE
16	SECOND REGULAR SESSION
18	COMMITTEE AMENDMENT " eta " to S.P. 753, L.D. 2090, Bill, "An
20	COMMITTEE AMENDMENT "//" to S.P. 753, L.D. 2090, Bill, "An Act to Clarify the Law Governing Unlawful Solicitation to Benefit Law Enforcement Agencies"
22	Dan Dirorcoment ingeneres
24	Amend the bill in section 1 in subsection 6 by inserting at the end a blocked paragraph to read:
26	'This subsection is repealed February 1, 2004.'
28	Further amend the bill in section 2 in that part designated "\$3702-A." in the first paragraph in the last line by inserting
30	after the following: "Act." the following: 'This section is
32	repealed February 1, 2004.'
34	Further amend the bill by inserting after section 2 the following:
36	'Sec. 3. 25 MRSA §3702-B is enacted to read:
38	§3702-B. Solicitation unlawful
40	<u>A person may not solicit property from the general public</u> when the property or any part of that property in any way
42	tangibly benefits, is intended to tangibly benefit or is
44	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
46	Unfair Trade Practices Act. This section takes effect February 1, 2004.

Page 1-LR2851(2)

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT " \hat{H} " to S.P. 753, L.D. 2090

Sec. 4. Report. The Attorney General, the Maine Sheriffs' 2 Association, the Maine Chiefs of Police Association, the Maine 4 State Troopers Association and the Maine Association of Police shall report their findings related to the change in the law 6 enforcement solicitation law that allows persons to solicit the 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 current law, the committee may report out legislation to amend the law if necessary. 12

14 Sec. 5. Legislative intent. The Legislature finds that the compelling interests of the State underlying the laws governing solicitation by law enforcement officers are to eliminate the coercion that is inherent in many solicitations by or on behalf 18 of law enforcement officers and to preserve public confidence in the integrity of law enforcement by prohibiting those solicitations in which those compelling interests are implicated.

22 The Legislature finds that at least the appearance of coercion inheres in every solicitation by a law enforcement 24 officer or by a financially interested agent that represents to tangibly benefit law enforcement, and that the appearance of 26 coercion undermines the integrity of the office. The Legislature further finds that there is no inherent coercion or appearance of coercion when the person soliciting has no financial interest at 28 stake, because the person solicited will know that the person 30 soliciting will not gain any tangible benefit from the solicitation and, consequently, will not be concerned with who donates. As a result, in this Act, the Legislature amends the 32 law to allow solicitations by persons who gain no tangible 34 benefit from the donation.'

36 Further amend the bill by inserting at the end before the summary the following:

38

40

46

48

50

₹. ₹.

'FISCAL NOTE

42 The Department of the Attorney General will incur some minor additional costs to submit a required report to the Legislature.
44 These costs can be absorbed within the department's existing budgeted resources.'

SUMMARY

This amendment directs the Attorney General, the Maine

Page 2-LR2851(2)

COMMITTEE AMENDMENT

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

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

The amendment also adds a fiscal note to the bill.

Page 3-LR2851(2)

COMMITTEE AMENDMENT