

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2090

S.P. 753

In Senate, January 25, 2002

**An Act to Clarify the Law Governing Unlawful Solicitation to Benefit
Law Enforcement Agencies.**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule
203.

Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in cursive script that reads "Pamela L. Cahill".

PAMELA L. CAHILL
Secretary of the Senate

Presented by Senator SMALL of Sagadahoc.
Cosponsored by Representative CARR of Lincoln, MUSE of South Portland, PEAVEY of
Woolwich Senators: DAVIS of Piscataquis, McALEVEY of York, and Representatives:
BOWLES of Sanford, TOBIN of Dexter.

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

4 **Sec. 1. 25 MRSA §3701, sub-§6** is enacted to read:

6 **6. Solicitation agent.** "Solicitation agent" means a person
8 or entity that receives payment for or retains any portion of the
10 proceeds from soliciting. "Solicitation agent" includes, but is
12 not limited to, a person or entity that receives or retains
14 reimbursement for expenses related to soliciting.

16 **Sec. 2. 25 MRSA §3702-A,** as enacted by PL 1991, c. 510, §2,
18 is amended to read:

20 **§3702-A. Solicitation unlawful**

22 A person law enforcement agency, law enforcement
24 association, law enforcement officer or solicitation agent 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.

26 **SUMMARY**

28 Current law prohibits any person from soliciting donations
30 on behalf of a law enforcement officer, agency or association.
32 The purpose of this law is to eliminate the coercion that is
34 inherent in many solicitations by or on behalf of law enforcement
36 officers since a prospective donor may not feel totally free to
reject the request in light of the solicitor's position, whether
an officer or a financially interested agent of the officer or
association, and to preserve public confidence in the integrity
of law enforcement by avoiding that appearance of coercion.

38 In order to eliminate the appearance of coercion inherent in
40 this situation, this bill prohibits a law enforcement agency,
42 association, officer or solicitation agent, defined as someone
44 who benefits financially from the proceeds of the solicitation,
46 from soliciting on behalf of a law enforcement officer, agency or
48 association. A person who does not gain any financial benefit
from the donation may solicit donations since the person
solicited may be told that the solicitor will not gain any
tangible benefit and, consequently, will not be concerned with
who donates.