

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2187

H.P. 1557

House of Representatives, February 5, 2008

An Act To Allow Limited Charitable Solicitations by Law Enforcement Associations

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

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative TARDY of Newport.
Cosponsored by Representative: Speaker CUMMINGS of Portland.

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

2 **Sec. 1. 25 MRSA §3701, sub-§7**, as enacted by PL 2005, c. 397, Pt. C, §18, is
3 repealed.

4 **Sec. 2. 25 MRSA §3702-C**, as enacted by PL 2005, c. 397, Pt. C, §19, is repealed.

5 **Sec. 3. 25 MRSA §3702-D** is enacted to read:

6 **§3702-D. Solicitation with approval**

7 A law enforcement association may solicit donations of property from the general
8 public only when the property or any part of that property in any way tangibly benefits, is
9 intended to tangibly benefit or is represented to be for the tangible benefit of a law
10 enforcement officer and after meeting all of the requirements of this section.

11 **1. Beneficiary.** A law enforcement association may solicit donations under this
12 section only for a law enforcement officer suffering from a catastrophic illness as
13 certified by the chief of the law enforcement agency of the officer suffering from a
14 catastrophic illness.

15 **2. Approval of local officials.** A law enforcement association seeking to solicit
16 donations under this section shall obtain the approval of:

17 A. The governing body of the municipality in which the solicitation will occur. If
18 the solicitation is intended to encompass a county, the approval of the county
19 commissioners of that county is required. If the solicitation is intended to take place
20 in the unorganized territory, approval of the Maine Land Use Regulation Commission
21 is required; and

22 B. The manager, if such a person exists, of any municipality in which the solicitation
23 will occur.

24 **3. Approval of Attorney General.** A law enforcement association seeking to solicit
25 donations under this section shall obtain the written and notarized approval of the
26 Attorney General. The Attorney General may grant permission for the solicitation only if
27 satisfied that the law enforcement association has obtained the approval specified in
28 subsection 2 and the requirements of subsections 1 and 4 have been met.

29 **4. Funds held in escrow.** Any funds collected pursuant to this section must be held
30 in an escrow account pursuant to this subsection.

31 A. The escrow account under this subsection must be established in a bank or trust
32 company authorized to do business in this State within the meaning of Title 9-B,
33 section 131, subsection 2 and acceptable to the Attorney General. The funds
34 deposited in the escrow account must be kept and maintained in an account separate
35 from accounts of the law enforcement association.

36 B. Checks, drafts and money orders from donors pursuant to this section must be
37 made payable only to the bank or trust company described under paragraph A. At the

1 request of the Attorney General, the escrow agent shall issue a statement indicating
2 the status of the escrow account.

3 C. Funds deposited in the escrow account are not subject to any liens or charges by
4 the escrow agent or judgments, garnishments or creditor's claims against the law
5 enforcement association or beneficiary of solicitations under this section.

6 D. The funds raised pursuant to this section may be released only to the beneficiary
7 under subsection 1 or to the heirs of the beneficiary if the beneficiary dies.

8 **5. Rules.** The Attorney General shall adopt routine technical rules pursuant to Title
9 5, chapter 375, subchapter 2-A regarding the administration of this section.

10 **6. Violation.** Except as provided in this section, a law enforcement association may
11 not solicit donations for a law enforcement agency, law enforcement association or law
12 enforcement officer. Any violation of this section constitutes a violation of the Maine
13 Unfair Trade Practices Act.

14 SUMMARY

15 This bill allows a law enforcement association to solicit funds for a law enforcement
16 officer who is suffering from a catastrophic illness after the law enforcement association
17 obtains the approval of the governing body of the area in which the solicitation will occur
18 and the Attorney General. The catastrophic illness must be certified by the chief of the
19 law enforcement agency of the officer that has a catastrophic illness. Funds collected
20 must be retained in an escrow account maintained solely for the benefit of the ill law
21 enforcement officer or the heirs of that officer if the officer dies.