

# MAINE STATE LEGISLATURE

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Stacy  
A. 9. 9.

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE  
SENATE  
128TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 203, L.D. 588, Bill, "An Act To Allow Law Enforcement Agencies and Associations To Engage Directly in Fund-raising under Certain Circumstances"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 25 MRSA §3702-C, as amended by PL 2011, c. 596, §1, is further amended to read:

§3702-C. Solicitation unlawful; exceptions

Except as provided in this section, a law enforcement agency, law enforcement 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.

1. Limited solicitation. A law enforcement agency or association may solicit property from the general public, a law enforcement officer, a law enforcement agency or a law enforcement association for the tangible benefit of a law enforcement officer, or an immediate family member of a law enforcement officer, suffering from a catastrophic illness by hosting fundraising fund-raising events or by written solicitation. A law enforcement agency or association that conducts a limited solicitation under this subsection may, but is not required to, retain a designated public benefit corporation to participate in the fund-raising event.

A. A law enforcement agency or association may host ticketed fundraising fund-raising events that are open to the public as long as the events are advertised only through public announcements and tickets are available for purchase only from a designated public benefit corporation.

COMMITTEE AMENDMENT

A. 9.3

1 B. A law enforcement agency or association may make general public solicitations  
2 for donations through public announcements or paid advertisements ~~as long as all~~  
3 ~~donations are directed to be sent to a designated public benefit corporation.~~  
4 Solicitations may not be sent directly to potential donors by mail or any other direct  
5 means.

6 Nothing in this subsection may be construed to allow a law enforcement agency or  
7 association to engage in door-to-door solicitation.

8 **2. Required notice.** Any public solicitation or advertisement for a ~~fundraising~~ fund-  
9 raising event conducted under the limited exception in subsection 1 must contain a notice  
10 that clearly identifies the name and address of ~~the~~ any designated public benefit  
11 corporation that has been retained to participate in the fund-raising event and the law  
12 enforcement officer or immediate family member for whom the solicitation is made. The  
13 notice must also specify that any questions about the solicitation may be directed to the  
14 Office of the Attorney General.

15 A. A If a public benefit corporation is retained to participate in the fund-raising  
16 event, a notice for a ~~fundraising~~ fund-raising event must read: "This event is  
17 sponsored by (insert name of law enforcement agency or association) for the sole  
18 benefit of (insert name and agency). All donations made pursuant to this solicitation  
19 must be sent to the designated public benefit corporation, which may not disclose the  
20 names of donors."

21 B. A If a public benefit corporation is retained to participate in the fund-raising  
22 event, a notice for a public solicitation must read: "This solicitation is made by (insert  
23 name of law enforcement agency or association) for the sole benefit of (insert name  
24 and agency). All donations made pursuant to this solicitation must be sent to the  
25 designated public benefit corporation, which may not disclose the names of donors."

26 **3. Standardized written agreement.** Prior to engaging in any solicitation activity  
27 under this section, a law enforcement agency or a law enforcement association and ~~a~~ any  
28 designated public benefit corporation that is retained to participate in the fund-raising  
29 event must enter into a signed written agreement that specifies the obligations of each  
30 party. The Office of the Attorney General shall provide a standardized written agreement  
31 that must be used by the parties.

32 **4. No disclosure of donors.** A designated public benefit corporation that engages in  
33 solicitation pursuant to this section may not disclose the names of any donors to any  
34 person, except to the Attorney General.

35 **5. Limited reimbursement.** The law enforcement agency or law enforcement  
36 association may reimburse the designated public benefit corporation only for its  
37 advertising costs and may not otherwise pay the designated public benefit corporation for  
38 its services provided under this section.

39 **6. Registration and reporting.** Each party to the written agreement pursuant to  
40 subsection 3 shall comply with all requirements for reporting to and registration with the  
41 Department of Professional and Financial Regulation as a charitable organization, or as a  
42 charitable organization that is exempt from registration, pursuant to the Charitable  
43 Solicitations Act and shall comply with any other reporting and registration requirements  
44 related to the event or solicitation.

# COMMITTEE AMENDMENT

1           7. **Escrow account.** All funds collected by ~~the~~ any designated public benefit  
2 corporation under this section must be held in an escrow account pursuant to this  
3 subsection.

4           A. The escrow account must be established by the designated public benefit  
5 corporation in a bank or trust company authorized to do business in this State within  
6 the meaning of Title 9-B, section 131, subsection 2. The funds deposited in the  
7 escrow account must be kept and maintained in an account separate from any other  
8 accounts.

9           B. Checks, drafts and money orders from donors may be made payable only to the  
10 bank or trust company described in paragraph A.

11           C. Funds deposited in the escrow account are not subject to any liens or charges by  
12 the escrow agent or judgments, garnishments or creditor's claims against the  
13 designated public benefit corporation or beneficiary.

14           D. The funds may be paid only to the beneficiary, or to the heirs of the beneficiary if  
15 the beneficiary dies, and must be paid within 30 days of the conclusion of the event  
16 or written solicitation.

17           8. **Accounting.** Upon request, ~~the~~ any designated public benefit corporation that is  
18 retained to participate in a fund-raising event shall provide an accounting of the funds  
19 received from the event or written solicitation and any documents related to the  
20 ~~fundraising~~ fund-raising event or solicitation, including the names of the donors, to the  
21 Attorney General. The Attorney General may enforce application of funds given or  
22 appropriated to public charities and prevent breaches of trust in their administration,  
23 pursuant to Title 5, section 194, subsection 2.'

24 **SUMMARY**

25           This amendment replaces the bill and provides that a law enforcement agency or  
26 association that engages in a fund-raising event under the limited exception provided in  
27 the Maine Revised Statutes, Title 25, section 3702-C, subsection 1, may, but is not  
28 required to, retain a designated public benefit corporation to participate with the law  
29 enforcement agency or association in the event. The amendment retains the provision of  
30 the bill that prohibits door-to-door solicitations.