

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 588

S.P. 203

In Senate, February 16, 2017

**An Act To Allow Law Enforcement Agencies and Associations To
Engage Directly in Fund-raising under Certain Circumstances**

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Senator DAVIS of Piscataquis, Representative CAMPBELL of Orrington and
Senators: CYRWAY of Kennebec, DILL of Penobscot, DION of Cumberland.

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

2 **Sec. 1. 25 MRSA §3701, sub-§9**, as enacted by PL 2007, c. 633, §2, is repealed.

3 **Sec. 2. 25 MRSA §3702-C**, as amended by PL 2011, c. 596, §1, is further
4 amended to read:

5 **§3702-C. Solicitation unlawful; exceptions**

6 Except as provided in this section, a law enforcement agency, law enforcement
7 association, law enforcement officer or solicitation agent may not solicit property from
8 the general public when the property or any part of that property in any way tangibly
9 benefits, is intended to tangibly benefit or is represented to be for the tangible benefit of
10 any law enforcement officer, law enforcement agency or law enforcement association.
11 Any violation of this chapter constitutes a violation of the Maine Unfair Trade Practices
12 Act.

13 **1. Limited solicitation.** A law enforcement agency or association may solicit
14 property from the general public, a law enforcement officer, a law enforcement agency or
15 a law enforcement association for the tangible benefit of a law enforcement officer, or an
16 immediate family member of a law enforcement officer, suffering from a catastrophic
17 illness by hosting ~~fundraising~~ fund-raising events or by written solicitation.

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

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

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

29 **2. Required notice.** Any public solicitation or advertisement for a ~~fundraising~~
30 fund-raising event must contain a notice that clearly identifies the name and address of
31 the ~~designated public benefit corporation~~ law enforcement agency or association making
32 the solicitation and the law enforcement officer or immediate family member for whom
33 the solicitation is made. The notice must also specify that any questions about the
34 solicitation may be directed to the Office of the Attorney General.

35 A. A notice for a ~~fundraising~~ fund-raising event must read: "This event is sponsored
36 by (insert name of law enforcement agency or association) for the sole benefit of
37 (insert name and agency). All donations made pursuant to this solicitation must be
38 sent to ~~the designated public benefit corporation~~ (insert name of law enforcement
39 agency or association), which may not disclose the names of donors."

1 B. A notice for a public solicitation must read: "This solicitation is made by (insert
2 name of law enforcement agency or association) for the sole benefit of (insert name
3 and agency). All donations made pursuant to this solicitation must be sent to ~~the~~
4 designated public benefit corporation (insert name of law enforcement agency or
5 association), which may not disclose the names of donors."

6 ~~3. Standardized written agreement.~~ Prior to engaging in any solicitation activity
7 under this section, a law enforcement agency or a law enforcement association and a
8 designated public benefit corporation must enter into a signed written agreement that
9 specifies the obligations of each party. The Office of the Attorney General shall provide
10 a standardized written agreement that must be used by the parties.

11 ~~4. No disclosure of donors.~~ A designated public benefit corporation that engages in
12 solicitation pursuant to this section may not disclose the names of any donors to any
13 person, except to the Attorney General.

14 ~~5. Limited reimbursement.~~ The law enforcement agency or law enforcement
15 association may reimburse the designated public benefit corporation only for its
16 advertising costs and may not otherwise pay the designated public benefit corporation for
17 its services provided under this section.

18 ~~6. Registration and reporting.~~ Each party to the written agreement shall comply
19 with all requirements for reporting to and registration with the Department of
20 Professional and Financial Regulation as a charitable organization, or as a charitable
21 organization that is exempt from registration, pursuant to the Charitable Solicitations Act
22 and shall comply with any other reporting and registration requirements related to the
23 event or solicitation.

24 ~~7. Escrow account.~~ All funds collected by the designated public benefit corporation
25 under this section must be held in an escrow account pursuant to this subsection.

26 A. The escrow account must be established by the ~~designated public benefit~~
27 ~~corporation~~ law enforcement agency or association making a solicitation pursuant to
28 this section in a bank or trust company authorized to do business in this State within
29 the meaning of Title 9-B, section 131, subsection 2. The funds deposited in the
30 escrow account must be kept and maintained in an account separate from any other
31 accounts.

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

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

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

40 ~~8. Accounting.~~ Upon request, the ~~designated public benefit corporation~~ law
41 enforcement agency or association making the solicitation shall provide an accounting of

1 the funds received from the event or written solicitation and any documents related to the
2 ~~fundraising~~ fund-raising event or solicitation, including the names of the donors, to the
3 Attorney General. The Attorney General may enforce application of funds given or
4 appropriated to public charities and prevent breaches of trust in their administration,
5 pursuant to Title 5, section 194, subsection 2.

6

SUMMARY

7 This bill amends the law regarding solicitation by law enforcement officers to remove
8 designated public benefit corporations from that process and instead allows law
9 enforcement agencies and associations to engage directly in fund-raising. The bill also
10 explicitly prohibits door-to-door solicitation.