

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 2016 to August 2, 2017

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2017

CHAPTER 89

H.P. 391 - L.D. 549

An Act To Recognize
Preexisting Land Uses

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

Sec. 1. 12 MRSA §685-B, sub-§7-B is enacted to read:

7-B. Presumption of nonconforming uses and nonconforming structures. If a person demonstrates that a use or structure that does not conform with district standards has existed for at least 30 years, there is a rebuttable presumption that the use is a nonconforming use or that the structure is a nonconforming structure.

See title page for effective date.

CHAPTER 90

S.P. 203 - L.D. 588

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

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

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.

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

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

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

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

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

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

4. No disclosure of donors. A designated public benefit corporation that engages in solicitation pursu-