

## CHAPTER 403

### SOLICITATION BY LAW ENFORCEMENT OFFICERS

#### SUBCHAPTER 1

#### GENERAL PROVISIONS

##### §3701. Definitions

As used in this chapter, unless the context clearly indicates otherwise, the following words shall have the following meanings. [PL 1977, c. 449 (NEW).]

**1. Law enforcement agency.** "Law enforcement agency" means any state, county, municipality or other political unit within the territory belonging to the State or any department, agency or subdivision of any of the foregoing, or any corporation or other association carrying out the functions of government that employs law enforcement officers.

[PL 1977, c. 449 (NEW).]

**2. Law enforcement association.** "Law enforcement association" means a corporation, partnership, unincorporated association or any other legal entity, including a benevolent association, whose members are primarily law enforcement officers.

[PL 1977, c. 449 (NEW).]

**3. Law enforcement officer.** "Law enforcement officer" means any person who by virtue of public employment is vested by law with a duty to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

[PL 1977, c. 449 (NEW).]

**4. Property.** "Property" means any money, service, gift or anything of value, including a promise.

[PL 1977, c. 449 (NEW).]

**5. Solicit.** "Solicit" means to request property. The word means and includes, but is not limited to, the following methods of securing property:

A. Any verbal request, including, but not limited to, a request that is made in person, by telephone or through any advertising media; [PL 1981, c. 267, §1 (RPR).]

B. Any written request, including, but not limited to, a request that is sent, delivered or distributed or any advertisement posted in a public place or appearing in a newspaper, television or other advertising media; and [PL 1981, c. 267, §1 (RPR).]

C. The sale of, offer or attempt to sell, any advertising, advertisements, advertising space, book, card, tag, coupon, ticket, device, magazine, membership, subscription or other tangible item or thing of value. [PL 1977, c. 449 (NEW).]

[PL 1981, c. 267, §1 (AMD).]

**6. Solicitation agent.**

[PL 2001, c. 582, §1 (NEW); PL 2003, c. 560, §1 (AMD); MRSA T. 25 §3701, sub-§6 (RP).]

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

[PL 2005, c. 397, Pt. C, §18 (NEW).]

**8. Catastrophic illness.** "Catastrophic illness" means an unforeseen, prolonged and extended illness, medical condition or injury that will likely cause death or permanent disability as determined by a licensed physician whose determination must be in writing.  
[PL 2007, c. 633, §1 (NEW).]

**9. Designated public benefit corporation.** "Designated public benefit corporation" means a "public benefit corporation," as described in Title 13-B, section 1406, subsection 1, that does not employ or have on its board of directors any certified law enforcement officer and that has entered into an agreement with a law enforcement agency or law enforcement association as provided in section 3702-C.  
[PL 2007, c. 633, §2 (NEW).]

**10. Immediate family member.** "Immediate family member" means a law enforcement officer's spouse, domestic partner, child or legal dependent.  
[PL 2007, c. 633, §3 (NEW).]

#### SECTION HISTORY

PL 1977, c. 449 (NEW). PL 1979, c. 575, §1 (AMD). PL 1981, c. 267, §1 (AMD). PL 2001, c. 582, §1 (AMD). PL 2003, c. 560, §1 (AMD). PL 2005, c. 397, §C18 (AMD). PL 2007, c. 633, §§1-3 (AMD).

#### §3702. Solicitation unlawful

**(REPEALED)**

#### SECTION HISTORY

PL 1977, c. 449 (NEW). PL 1983, c. 330 (AMD). PL 1991, c. 510, §1 (RP).

#### §3702-A. Solicitation unlawful

**(REPEALED)**

#### SECTION HISTORY

PL 1991, c. 510, §2 (NEW). PL 2001, c. 582, §2 (AMD). PL 2003, c. 560, §2 (AMD). MRSA T. 25 §3702-A (RP).

#### §3702-B. Solicitation unlawful

**(REPEALED)**

#### SECTION HISTORY

PL 2001, c. 582, §3 (NEW). PL 2003, c. 560, §3 (RP).

#### §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. [PL 2007, c. 633, §4 (AMD).]

**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 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 fund-raising events that are open to the public as long as the events are advertised only through public announcements. [PL 2017, c. 90, §1 (AMD).]

B. A law enforcement agency or association may make general public solicitations for donations through public announcements or paid advertisements. Solicitations may not be sent directly to potential donors by mail or any other direct means. [PL 2017, c. 90, §1 (AMD).]

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

[PL 2017, c. 90, §1 (AMD).]

**2. Required notice.** Any public solicitation or advertisement for a fund-raising event conducted under the limited exception in subsection 1 must contain a notice that clearly identifies the name and address of 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. If a public benefit corporation is retained to participate in the fund-raising event, a notice for a 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." [PL 2017, c. 90, §1 (AMD).]

B. 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." [PL 2017, c. 90, §1 (AMD).]

[PL 2017, c. 90, §1 (AMD).]

**3. Standardized written agreement.** Prior to engaging in any solicitation activity under this section, a law enforcement agency or a law enforcement association and 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.

[PL 2017, c. 90, §1 (AMD).]

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

[PL 2007, c. 633, §4 (NEW).]

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

[PL 2007, c. 633, §4 (NEW).]

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

[PL 2017, c. 90, §1 (AMD).]

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

A. The escrow account must be established by the designated public benefit corporation in a bank or trust company authorized to do business in this State within the meaning of Title 9-B, section 131, subsection 2. The funds deposited in the escrow account must be kept and maintained in an account separate from any other accounts. [PL 2007, c. 633, §4 (NEW).]

B. Checks, drafts and money orders from donors may be made payable only to the bank or trust company described in paragraph A. [PL 2007, c. 633, §4 (NEW).]

C. Funds deposited in the escrow account are not subject to any liens or charges by the escrow agent or judgments, garnishments or creditor's claims against the designated public benefit corporation or beneficiary. [PL 2007, c. 633, §4 (NEW).]

D. The funds may be paid only to the beneficiary, or to the heirs of the beneficiary if the beneficiary dies, and must be paid within 30 days of the conclusion of the event or written solicitation. [PL 2007, c. 633, §4 (NEW).]

[PL 2017, c. 90, §1 (AMD).]

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

[PL 2017, c. 90, §1 (AMD).]

#### SECTION HISTORY

PL 2005, c. 397, §C19 (NEW). PL 2007, c. 633, §4 (AMD). PL 2011, c. 596, §1 (AMD). PL 2017, c. 90, §1 (AMD).

#### **§3703. Exception for law enforcement officers elected to public office**

Nothing in this chapter shall prevent any person from soliciting funds to pay obligations incurred or about to be incurred in the furtherance of, or as the result of, a campaign by a law enforcement officer for public office. [PL 1977, c. 449 (NEW).]

#### SECTION HISTORY

PL 1977, c. 449 (NEW).

#### **§3704. Exceptions**

**(REPEALED)**

#### SECTION HISTORY

PL 1979, c. 575, §2 (NEW). PL 1981, c. 267, §2 (RP).

#### **§3705. Exception for certain publications of the Department of Inland Fisheries and Wildlife**

**(REPEALED)**

#### SECTION HISTORY

PL 1983, c. 819, §A56 (NEW). PL 1991, c. 510, §3 (RP).

#### **§3706. Sale of consumer education materials**

**(REPEALED)**

## SECTION HISTORY

PL 1989, c. 653 (NEW). PL 1991, c. 510, §4 (RP).

## SUBCHAPTER 2

## LAW ENFORCEMENT OFFICERS AND PUBLIC OFFICE HOLDING

**§3711. No solicitation while dressed in uniform**

No law enforcement officer, as defined in section 3701, may solicit funds or anything of value in the furtherance of any campaign for public office while he is dressed in uniform or while wearing the badge of the law enforcement agency that employs him. [PL 1985, c. 56, §3 (NEW).]

## SECTION HISTORY

PL 1985, c. 56, §3 (NEW).

**§3712. No solicitation by law enforcement officers**

No law enforcement officer, as defined in section 3701, may solicit funds or anything of value for the furtherance of his campaign for a nonpartisan public office. Nothing in this subchapter may be construed to prohibit any other person from soliciting money for the campaign of a law enforcement officer for nonpartisan office. [PL 1985, c. 56, §3 (NEW).]

## SECTION HISTORY

PL 1985, c. 56, §3 (NEW).

**§3713. Prohibited activities of law enforcement officers for public office**

**1. Use of authority.** No law enforcement officer, as defined in section 3701, may use his official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for public office. [PL 1985, c. 56, §3 (NEW).]

**2. Coercion of contributions.** No law enforcement officer, as defined in section 3701, or any other person representing a law enforcement officer may directly or indirectly coerce, attempt to coerce or command any person to pay, lend or contribute anything of value for the furtherance of a campaign by a law enforcement officer for public office. [PL 1985, c. 56, §3 (NEW).]

## SECTION HISTORY

PL 1985, c. 56, §3 (NEW).

**§3714. Penalty**

Any person found to be in violation of this subchapter is guilty of a Class E crime. [PL 1985, c. 56, §3 (NEW).]

## SECTION HISTORY

PL 1985, c. 56, §3 (NEW).

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