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Date: (Filing No. S-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
SENATE
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” 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

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 ~~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.

