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May 14, 1993

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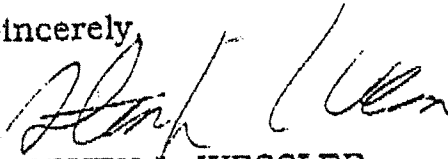
Re: Law Enforcement Torch Run For Maine Special Olympics

Dear Chief Brooks:

I am responding to your letter of April 30, 1993 concerning the application of the Solicitation by Law Enforcement Officers Act to the law enforcement Torch Run for Maine Special Olympics. As in the past, our office is taking the position that law enforcement's involvement in the Torch Run does not violate the Solicitation by Law Enforcement Officers Act because that involvement does not tangibly benefit law enforcement. As in the past, I have advised that law enforcement should not receive any free gifts of caps, shirts or jackets in order to make it clear that there is no "tangible" benefit to law enforcement. Consequently, I would advise law enforcement to make a cash contribution to the Maine Special Olympics to pay for the purchase of any hats, jackets or shirts given to police officers who participate in the Torch Run.

I am enclosing a copy of the Attorney General's Rules issued under the Act which clarify our position with respect to solicitations for charitable purposes which do not tangibly benefit law enforcement.

Sincerely,

  
STEPHEN L. WESSLER  
Deputy Attorney General  
Consumer & Antitrust  
Department of Attorney General  
State House Station 6  
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DEPARTMENT OF THE ATTORNEY GENERAL  
CONSUMER AND ANTITRUST DIVISION  
Chapter 109: RULES CONCERNING UNFAIR TRADE PRACTICES AND CHARITABLE  
SOLICITATIONS BY LAW ENFORCEMENT OFFICERS

SUMMARY: This Chapter describes types of solicitations which tangibly benefit law enforcement and types which do not. In general, a solicitation which is completely unrelated to law enforcement officers, although it increases good will toward law enforcement, does not confer a tangible benefit. A solicitation which funds a law enforcement program, which otherwise would have to be funded through law enforcement's own budgeting processes, does confer a tangible benefit.

109.1 SOLICITATIONS THAT TANGIBLY BENEFIT LAW  
ENFORCEMENT

A solicitation tangibly benefits a law enforcement agency, officer, or association if the proceeds of that solicitation are used, represented to be used, or intended to be used to support a law enforcement program or purpose which a law enforcement agency or association otherwise would have to fund through its own budgeting mechanisms. Examples of solicitations which tangibly benefit law enforcement are as follows: (1) A solicitation which raises money from community members to pay for the purchase of equipment for a local police department; (2) A solicitation to send an officer into school classrooms to conduct anti-drug abuse training (the money paying for the officer's salary and for education materials); and (3) The solicitation of funds for erection of a monument to memorialize slain officers, which was permitted by prior law, Priv. & Spec. Laws 1989, ch. 47.

109.2 SOLICITATIONS THAT DO NOT TANGIBLY BENEFIT LAW  
ENFORCEMENT

A solicitation of money for purposes completely unrelated to law enforcement, such as for a charity unrelated to law enforcement, does not confer a tangible benefit on law enforcement even if the solicitation effort increases good will toward law enforcement. For example, if police officers engage in solicitations of money for earthquake victims in South America, and if no law enforcement agency, officer, or association receives, is intended to receive, or is represented to receive any of the proceeds of the solicitation, then that solicitation program will not tangibly benefit law enforcement.

BASIS

P.L. 1991, Chapter 510 (effective October 8, 1991) prohibits solicitation of donations that provide a tangible benefit to any law enforcement officer, agency, or association. A violation of Chapter 510 is a violation of the Maine Unfair Trade Practices Act, 5 M.R.S.A. § 207. The purpose of these rules is to describe what constitutes a tangible benefit to law enforcement.

