

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

AT THE

**SECOND REGULAR SESSION**

January 2, 1980 to April 3, 1980

AND AT THE

**THIRD SPECIAL SESSION**

May 22, 1980

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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K. J. Printing Co.  
Augusta, Maine

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Sec. 7. **Sunset provision.** This Act is repealed on ~~June 30, 1982~~ November 1, 1983.

Effective July 3, 1980

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**CHAPTER 678**  
**H. P. 1953 — L. D. 2001**

**AN ACT to Amend the Charitable Solicitations Act.**

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

Sec. 1. 9 MRSA § 5003, sub-§§ 5-B, 5-C and 5-D are enacted to read:

5-B. **Fund raising.** “Fund raising” means a solicitation to the public for funds, except those solicitations which are made as an integral part of the presentation of program services.

5-C. **Hospital.** “Hospital” means an institution which is engaged primarily in providing inpatient medical and psychiatric diagnostic and therapeutic services in the care and treatment of injured, disabled, sick or mentally ill persons who are under the supervision of a physician.

5-D. **Management.** “Management” means the overall direction of the organization, general record keeping, business management, budgeting, general board activities and related management functions.

Sec. 2. 9 MRSA § 5003, sub-§ 10-A is enacted to read:

10-A. **Program services.** “Program services” means those activities directly related to the stated charitable purposes of the charitable organization. “Program services” does not mean activities related to fund raising or management.

Sec. 3. 9 MRSA § 5004, sub-§ 3, ¶G, as enacted by PL 1977, c. 488, § 1, is amended to read:

G. The name and address of any professional fund-raising counsel, professional solicitor or commercial co-venturer who acts or will act on behalf of the charitable organization **and terms of remuneration of the counsel, solicitor or co-venturer:**

Sec. 4. 9 MRSA § 5004, sub-§ 3, ¶I, as enacted by PL 1977, c. 488, § 1, is amended to read:

I. The ~~general~~ purpose or purposes for which the contributions to be solicited shall be used;

Sec. 4-A. 9 MRSA § 5004, sub-§ 3, ¶ J, as enacted by PL 1977, c. 488, § 1, is amended to read:

J. The estimated percentage of each dollar contributed which will be expended for ~~charitable purposes~~ **program services, fund raising and management**;

Sec. 5. 9 MRSA § 5004, sub-§ 3, ¶ N, as enacted by PL 1977, c. 488, § 1, is repealed and the following enacted in its place:

N. **The total amount of money received as contributions during the organization's preceding fiscal year and the dates of the fiscal year; and**

Sec. 6. 9 MRSA § 5005, sub-§ 3, ¶ B, as amended by PL 1977, c. 696, § 362, is further amended to read:

B. A copy of a financial statement covering, in a consolidated report, complete information as to the preceding year's fund-raising activities showing the balance sheet, changes in fund balances, kind and amount of funds raised, fund-raising expenses, allocation or disbursement of funds raised and notes to the audit and opinion if an audit, opinion or statement has been prepared as to the fairness of the presentation by the accountant; **or**

Sec. 7. 9 MRSA § 5005, sub-§ 3, ¶ C is enacted to read:

C. **In lieu of a financial statement, the Secretary of State may accept a copy of the return filed with the United States Internal Revenue Service by organizations exempt from income tax under the United States Internal Revenue Code and shall require by regulation such other information and documentation as the Secretary of State may deem appropriate to describe how funds were spent or raised to substantiate the figures in the return, including an accountant's statement, and to prove that the return submitted to the Secretary of State was in fact filed with the United States Internal Revenue Service.**

Sec. 8. 9 MRSA § 5008, sub-§ 1, first sentence, as enacted by PL 1977, c. 488, § 1, is amended to read:

No person shall act as a professional fund ~~raiser~~ **raising counsel**, professional solicitor or a commercial co-venturer before he has registered with the Secretary of State.

Sec. 9. 9 MRSA § 5008, sub-§ 1, as enacted by PL 1977, c. 488, § 1, is amended by adding the following new sentence at the end:

**The registration fee required by this chapter shall be waived for an auctioneer who is licensed by the Department of Business Regulation and who has paid the license fee required by Title 32, section 273 and who has otherwise complied with the requirements of that chapter.**

Sec. 10. 9 MRSA § 5008, sub-§ 3 is enacted to read:

3. Annual reports. A professional fund-raising counsel, professional solicitor or commercial co-venturer shall file an annual report which states the names and addresses of all charitable organizations for whom any solicitation was conducted, the total amount raised and the amount paid to the charitable organization on a form with such verification as the Secretary of State shall prescribe by regulation.

Sec. 11. 9 MRSA § 5012, as enacted by PL 1977, c. 488, § 1, is amended to read:

§ 5012. Charitable solicitation disclosure

It shall be a violation of this chapter for a professional fund-raising counsel, professional solicitor, commercial co-venturer or any other person to solicit contributions from a prospective donor in this State without fully disclosing to the prospective donor at the time of solicitation the estimated percentage of each dollar contributed which will be expended for ~~charitable purposes~~ program services, fund raising and management when less than 70% of the amount donated contributed will be so expended for program services. In addition, any person required to register under section 5008, or any of his agents, who solicits contributions shall disclose to the prospective donor at the time of the solicitation the percentage of the gross contribution which will constitute his compensation and all fund-raising expenses connected with that particular contract.

Effective July 3, 1980

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## CHAPTER 679

H. P. 1829 — L. D. 1933

### AN ACT to Promote Hunting, Fishing and Camping in Maine.

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

Sec. 1. 12 MRSA § 7034, sub-§ 8 is enacted to read:

8. Promotion of hunting, fishing and camping. The commissioner may implement a program designed to promote fisheries and wildlife resources and attract hunters and fishermen to the State. This program may include coordination of activities between the public and private sectors and utilization of promotional missions, exhibits, brochures, technical assistance and expertise as necessary to develop and promote hunting, fishing and camping activities within the State. The commissioner shall coordinate this program with the activities of the State Development Office and the Maine Publicity Bureau.