

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE
FIRST SPECIAL SESSION

(Filing No. H-996)

COMMITTEE AMENDMENT "A" to H.P. 1983, L.D. 2165, Bill,
"AN ACT Relating to Charitable Solicitations."

in section 1
Amend said Bill/by striking out subsection 7 of that part
designated "§5003" and inserting in place thereof the following:

'7. Professional fund-raising counsel. "Professional fund-raising counsel" means any person who, for a flat fixed fee under a written agreement or for a fee computed under a written agreement on the basis of funds actually raised or to be raised, plans, conducts, manages, carries on, advises or acts as a consultant, whether directly or indirectly, in connection with soliciting contributions for or on behalf of any charitable organization, but who actually solicits no contributions as part of such services. A bona fide salaried officer or employee of a charitable organization maintaining a permanent establishment within the State shall not be deemed to be a professional fund-raising counsel unless that person's salary or other compensation is computed on the basis of funds to be raised or actually raised or unless that person, for a flat fixed fee under a written agreement or for a fee computed under a written agreement on the basis of funds actually raised or to be raised, performs the same or similar services for a charitable organization other than that of which he is an officer or employee. No attorney, investment counselor or banker who advises any person to make a contribution to a charitable

organization shall be deemed, as the result of such advice, to be a professional fund-raising counsel.'

in section 1
Further amend said Bill/in line 16 (line 13 in L.D.) of subsection 8 of that part designated "§5003" by inserting after the underlined words "unless such person" the following underlined words 'for a financial or other consideration'

in section 1
Further amend said Bill/by striking out all of subsections 13 and 14 of that part designated "§5004" and inserting in place thereof the following new subsections:

'13. The individual salaries paid to the 10 highest paid employees or officials outside the State and the 5 highest paid employees or officials working within the State, including any commissions, but not any identification of the names or positions of these employees or officials; and

14. In the case of a charitable organization which has its principal place of business in the State, the total amount of money received as contributions during the organization's preceding fiscal year and the dates of the fiscal year; or

15. In the case of a charitable organization which has its principal place of business outside the State, the total amount of money received as contributions solicited in this State during the organization's preceding fiscal year and the dates of the fiscal year.'

Further amend said Bill in section 1 by striking out in subsection 1, paragraph B of that part designated "\$5005" the last five underlined words "at its meetings or services"

Further amend said Bill in section 1 by striking out all of subsection 2 of that part designated "\$5005" and inserting in place thereof the following:

'2. Exemption statement. Any charitable organization which claims to be exempt from the registration provisions of this Act and which is about to or does solicit charitable contributions shall submit, annually, to the Secretary of State, a statement of the name, address and purpose of the organization and of the reason for the claim for exemption. This statement shall be on a form prescribed by the Secretary of State and shall be sworn to or affirmed. No registration fee shall be required of any exempt organization.'

Further amend said Bill by inserting after section 2 a new section to read:

'Sec. 3. Effective date. This Act shall take effect on January 1, 1977.'

Statement of Fact

The purposes of this amendment are as follows:

1. To clarify the definitions of "professional fund-raising counsel" and "professional solicitor" by stating that salaried employees of a charitable organization do not fit into these categories when they volunteer their services to other organizations;

2. To clarify the listing of salaries and the listing of total funds received on the registration form;
3. To clarify the limited exemption for religious organizations;
4. To simplify the exemption statement requirement. The Secretary of State would not be required to issue an exemption letter to each exempt organization. This will reduce administrative costs; and
5. ^{To} ~~E~~xtend the effective date to January 1, 1977.

Reported by the Committee on Business Legislation.

Reproduced and distributed under the direction of the Clerk of the House.
3/19/76

(Filing No. H-996)