

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1102

7 H.P. 852

House of Representatives, March 8, 1983

8 Submitted by the Department of Business Regulation pursuant to Joint
9 Rule 24.

10 Referred to the Committee on Business Legislation. Sent up for concur-
11 rence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Stevens of Bangor.

12 Cosponsor: Representative Martin of Brunswick.

13 STATE OF MAINE

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Revise the Charitable
18 Solicitations Law.
19

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

22 Sec. 1. 9 MRSA §5003, sub-§1, as enacted by PL
23 1977, c. 488, §1, is amended to read:

24 1. Charitable organization. "Charitable orga-
25 nization" means any person, including any organized
26 in a foreign state, which is or holds itself out to
27 be organized or operated for any charitable purpose
28 and which solicits, accepts or obtains contributions
29 from the public for any charitable purpose. A chap-
30 ter, branch, area office or similar affiliate or any
31 person soliciting contributions for any charitable
32 purpose within the State for a charitable organiza-
33 tion which has its principal place of business out-
34 side the State shall be considered a charitable orga-

1 nization for the purposes of this Act. For purposes
2 of this chapter, an organization established for and
3 servng bona fide religious purposes is not a chari-
4 table organization.

5 Sec. 2. 9 MRSA §5003, sub-§2, as enacted by PL
6 1977, c. 488, §1, is amended to read:

7 2. Charitable purpose. "Charitable purpose"
8 means any charitable, benevolent, educational,
9 philanthropic, humane, patriotic, ~~religious~~ or elee-
10 mosynary purpose.

11 Sec. 3. 9 MRSA §5006, sub-§1, ¶B, as repealed
12 and replaced by PL 1977, c. 654, §4, is repealed.

13 STATEMENT OF FACT

14 In Larson v. Valente, 102 S. Ct. 1673 (1982), the
15 United States Supreme Court ruled that states cannot
16 regulate the charitable solicitation activities of
17 some religious organizations while exempting other
18 religious organizations from regulation. This bill
19 exempts all bona fide religious organizations from
20 the Charitable Solicitations Act. The requirement
21 that exempt organizations must serve bona fide reli-
22 gious purposes has been inserted so that fraudulent
23 use of this exemption can be prevented.

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