

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2076

H.P. 1523 House of Representatives, January 15, 1988
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Education suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative ROTONDI of Athens.
Cosponsored by Senator WEBSTER of Franklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 **AN ACT Relating to the Tax Exempt Status of**
2 **Anson Academy Association.**
3

4 **Emergency preamble.** Whereas, Acts of the
5 Legislature do not become effective until 90 days
6 after adjournment unless enacted as emergencies; and

7 Whereas, the Anson Academy Association is now
8 existing as a charitable and benevolent corporation;
9 and

1 Whereas, the United States Internal Revenue
2 Service will not recognize the tax-exempt charitable
3 and educational status of the Anson Academy
4 Association unless certain changes are made to the
5 charter of the Anson Academy Association; and

6 Whereas, lack of such recognition by the United
7 States Internal Revenue Service will hamper the
8 associations's fund-raising efforts and reduce the
9 ability of the association to provide educational
10 assistance and scholarships to needy students; and

11 Whereas, in the judgment of the Legislature, these
12 facts create an emergency within the meaning of the
13 Constitution of Maine and require the following
14 legislation as immediately necessary for the
15 preservation of the public peace, health and safety;
16 now, therefore,

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

19 **Sec. 1. P&SL 1823, c. 201, §1-B, first ¶, as**
20 **enacted by PL 1971, c. 157, §3, is amended to read:**

21 The corporation may establish, maintain and
22 operate schools; give aid and assistance in the
23 establishment, maintenance and operation of schools;
24 establish, provide, support and pay for equipment,
25 libraries, teaching aids and communications facilities
26 to aid in education; establish, assist in
27 establishing, aid and support museums, libraries,
28 historical societies and depositories for historical
29 and scientific documents and artifacts; provide,
30 support and pay for seminars, conferences and
31 lectures; provide scholarship aid and assistance to
32 students pursuing post-secondary education; all in the
33 interest of assisting school administration and
34 individual students, enriching the process of
35 education and promoting better schools, school
36 programs and education in the Towns of Anson, Embden,
37 New Portland and Solon and other places in the State
38 of Maine.

1 Sec. 2. P&SL 1823, c. 201, §7 is enacted to
2 read:

3 7. Limitations. Notwithstanding any other
4 provision of this Act, the corporation is organized
5 exclusively for one or more of the following
6 purposes: Religious, charitable, scientific, testing
7 for public safety, literary or educational purposes or
8 for the prevention of cruelty to children or animals,
9 as specified in the United States Internal Revenue
10 Code, Section 501(c)(3), and shall not carry on any
11 activities not permitted to be carried on by a
12 corporation exempt from federal income tax under the
13 United States Internal Revenue Code of 1954, Section
14 501(c)(3).

15 No part of the net earnings of the corporation may
16 inure to the benefit of any member, trustee, director
17 or officer of the corporation, or any private
18 individual, except that reasonable compensation may be
19 paid for services rendered to or for the corporation,
20 and no member, trustee or officer may be entitled to
21 share in the distribution of any of the corporate
22 assets upon dissolution of the corporation.

23 The corporation may not carry on propaganda or
24 otherwise attempt to influence legislation, except as
25 otherwise provided by the United States Internal
26 Revenue Code, Section 501(h), or participate in or
27 intervene in any political campaign, including the
28 publication or distribution of statements, on behalf
29 of any candidate for public office.

30 Upon the dissolution of this organization, assets
31 must be distributed for one or more exempt purposes
32 within the meaning of the United States Internal
33 Revenue Code, Section 501(c)(3), or corresponding
34 section of any future federal tax code, or must be
35 distributed to the Federal Government or to a state or
36 local government for a public purpose.

1 Emergency clause. In view of the emergency
2 cited in the preamble, this Act shall take effect when
3 approved.

4 STATEMENT OF FACT

5 The purpose of this bill is reflected in the
6 emergency preamble.

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