

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1691

S.P. 623

In Senate, December 17, 2003

An Act To Strengthen the Charitable Solicitations Act

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Received by the Secretary of the Senate on December 16, 2003. Referred to the Committee on Business, Research and Economic Development pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BROMLEY of Cumberland.
Cosponsored by Representative SMITH of Monmouth and
Representatives: AUSTIN of Gray, COWGER of Hallowell, DUDLEY of Portland,
NORBERT of Portland, ROGERS of Brewer, SULLIVAN of Biddeford.

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

2
4 **Sec. 1. 9 MRSA §5003, sub-§1**, as amended by PL 1999, c. 386,
Pt. A, §2, is further amended to read:

6 **1. Charitable organization.** "Charitable organization" means
8 any person or entity, including any person or entity organized in
a foreign state, that is or holds itself out to be organized or
10 operated for any charitable purpose or that solicits, accepts or
obtains contributions from the public for any charitable purpose
12 and by any means, including, but not limited to, personal
contact, telephone, mail, newspaper advertisement, television or
14 radio. Status as a tax-exempt entity does not necessarily
15 qualify that entity as a charitable organization. A chapter,
16 branch, area office or similar affiliate or any person soliciting
17 contributions for any charitable purpose within the State for a
charitable organization that has its principal place of business
18 outside the State is considered a charitable organization for the
purposes of this Act. For purposes of this chapter, an
20 organization established for and serving bona fide religious
purposes is not a charitable organization.

22 **Sec. 2. 9 MRSA §5003, sub-§3**, as amended by PL 1999, c. 221,
24 §1, is amended to read:

26 **3. Commercial co-venturer.** "Commercial co-venturer" means
27 any person who, for profit ~~or other commercial consideration~~, is
28 regularly and primarily engaged in trade or commerce in this
29 State, other than in connection with the raising of funds for
30 charitable organizations or purposes, and who conducts, ~~promotes,~~
31 underwrites, ~~arranges or sponsors~~ a sale, performance, event or
32 collection ~~or~~ and sale of donated goods ~~or event of any kind~~ that
33 is advertised in conjunction with the name of any charitable
34 organization. Any such person who will benefit in good will only
35 may not be considered a commercial co-venturer if the collection
36 and distribution of the proceeds of the sale, performance or
37 event, or the collection and sale of donated goods, are
38 supervised and controlled by the benefiting charitable
39 organization.

40 **Sec. 3. 9 MRSA §5003, sub-§4-B** is enacted to read:

42 **4-B. Department.** "Department" means the Department of
44 Professional and Financial Regulation.

46 **Sec. 4. 9 MRSA §5003, sub-§9**, as amended by PL 1977, c. 654,
48 §1, is further amended to read:

50 **9. 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~~

2 ~~agreement on the basis of funds actually raised or to be raised,~~
3 ~~or for any financial consideration of any kind or amount, plans,~~
4 ~~conducts, manages, carries on, advises or acts as a consultant,~~
5 ~~whether directly or indirectly, in connection with soliciting~~
6 ~~contributions for or on behalf of any charitable organization is~~
7 ~~retained, for compensation, by a charitable organization to plan,~~
8 ~~manage, advise or provide consultation services with respect to~~
9 ~~the solicitation in this State of contributions, but who does not~~
10 ~~solicit contributions, has neither custody nor control of~~
11 ~~contributions and does not directly or indirectly employ, procure~~
12 ~~or engage any person compensated to solicit contributions. A~~
13 ~~bona fide salaried officer or employee of a charitable~~
14 ~~organization, including an employee of a parent organization,~~
15 ~~shall not be deemed to be a professional fund-raising counsel~~
16 ~~unless that person's salary or other compensation is computed on~~
17 ~~the basis of funds to be raised or actually raised or the~~
18 ~~services performed by the person are performed on behalf of some~~
19 ~~organization other than the one which employs that person or a~~
20 ~~chapter, branch or affiliate thereof nontemporary salaried~~
21 ~~officer or employee of a charitable organization is not~~
22 ~~considered to be a professional fund-raising counsel. No An~~
23 ~~attorney, investment counselor or banker who advises any person~~
24 ~~to make a contribution to a charitable organization shall be~~
25 ~~deemed is not, as the result of such advice, to be a professional~~
26 ~~fund-raising counsel.~~

27 **Sec. 5. 9 MRSA §5004, sub-§3, ¶N**, as repealed and replaced by
28 PL 1979, c. 678, §5, is amended to read:

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

33 **Sec. 6. 9 MRSA §5004, sub-§3, ¶O**, as enacted by PL 1977, c.
34 488, §1, is amended to read:

35 O. The estimated percentage of each dollar contribution
36 which that will be expended in Maine; and

37 **Sec. 7. 9 MRSA §5004, sub-§3, ¶P** is enacted to read:

38 P. A determination letter from the federal Internal Revenue
39 Service, confirming the tax-exempt status of the charitable
40 organization.

41 **Sec. 8. 9 MRSA §5004, sub-§4**, as amended by PL 2001, c. 323,
42 §§2 and 3, is repealed and the following enacted in its place:
43

2 4. Renewal of registration as charitable organization. The
3 following provisions govern the application and qualifications
4 for renewal of a registration as a charitable organization.

5
6 A. A person or entity that holds a valid registration must
7 submit to the office a completed application for renewal
8 prior to the date of expiration of the registration. A
9 registration expires on the stated date of expiration. The
10 department shall mail an application form to the
11 registrant's last known address not less than 30 days prior
12 to the expiration date of the current registration.

13
14 B. An application may not be considered for approval until
15 it is complete. If the application is incomplete, the
16 applicant must include a letter documenting the specific
17 reasons the application is incomplete. If that letter is
18 not included, the incomplete application must be returned
19 for completion.

20 C. A charitable organization that submits an application
21 for renewal after the expiration date must include with the
22 application:

23 (1) A financial report covering the most recently
24 audited fiscal year;

25 (2) The required filing fee and the required fee for
26 renewal of registration; and

27 (3) A completed application.

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29
30
31 D. The complete packet for renewal of registration
32 application must include all the requirements identified in
33 subsection 3 as well as the following:

34
35 (1) An audited financial statement, including federal
36 Internal Revenue Service 990 and Schedule A forms or a
37 990 EZ form. Failure to file an audited financial
38 statement of the organization's most recent audited
39 fiscal year may be grounds for disciplinary action as
40 provided under Title 10, section 8003, subsection 5.
41 The office shall adopt rules governing the content of
42 the audited financial statement. Rules adopted
43 pursuant to this subparagraph are routine technical
44 rules pursuant to Title 5, chapter 375, subchapter 2-A;
45 and

46
47 (2) The nonrefundable fee for renewal of registration
48 plus the required filing fee for charitable

2 organizations receiving more than \$30,000 in gross
3 contributions.

4 **Sec. 9. 9 MRSA §5005**, as amended by PL 2001, c. 323, §4, is
5 repealed.

6 **Sec. 10. 9 MRSA §5005-B** is enacted to read:

7 **§5005-B. Annual fund-raising activity reports to be filed by**
8 **charitable organizations**

9 **1. Content of report.** A charitable organization shall
10 submit to the office an annual fund-raising activity report that
11 reflects data from the preceding calendar year, on a form
12 prescribed by the office, at least 60 days prior to the
13 registration expiration date. The report must state, at a
14 minimum, the following:

15 A. The charitable organization's mailing address, telephone
16 number and registration number;

17 B. The name, mailing address, telephone number and
18 registration number of each professional solicitor,
19 professional fund-raising counsel and commercial co-venturer
20 with which the charitable organization contracts;

21 C. The date of each fund-raising campaign;

22 D. The total dollar amount raised during each fund-raising
23 campaign;

24 E. The total dollar amount received by the charitable
25 organization from each fund-raising campaign and for the
26 year;

27 F. The total dollar amount retained by any professional
28 solicitor from each fund-raising campaign and for the year;

29 G. The total amount paid to any professional fund-raising
30 counsel from each fund-raising campaign and for the year; and

31 H. The total amount received from any commercial
32 co-venturer from each fund-raising campaign and for the year.

33 **2. Failure to file; discrepancies.** Failure to file the
34 annual fund-raising activity report required under this section
35 or disagreement between the report filed by the charitable
36 organization and that submitted by the professional solicitor,
37 professional fund-raising counsel or commercial co-venturer with
38 which the charitable organization has contracted may result in
39

2 disciplinary action as provided under Title 10, section 8003,
3 subsection 5.

4 3. Contracting with unregistered entities prohibited. A
5 charitable organization may not contract with an unregistered
6 professional solicitor, professional fund-raising counsel or
7 commercial co-venturer. A violation of this subsection may
8 result in disciplinary action as provided under Title 10, section
9 8003, subsection 5.

10 **Sec. 11. 9 MRSA §5007, first ¶,** as amended by PL 1981, c. 456,
11 Pt. A, §31, is further amended to read:

12 Any A charitable organization, ~~professional--fund-raising~~
13 ~~counsel,~~ professional solicitor, ~~professional fund-raising~~
14 ~~counsel~~ or commercial co-venturer having its principal place of
15 business without the State, or organized under and by virtue of
16 the laws of a foreign state, ~~which that~~ solicits contributions
17 from the people in this State ~~by whatever means, including, but~~
18 ~~not limited to, personal contact, telephone, mail, newspaper~~
19 ~~advertisement, television or radio, or acts on behalf of a~~
20 ~~charitable organization in this State, shall-be is~~ deemed to have
21 irrevocably appointed the commissioner as its agent upon whom may
22 be served any summons, subpoena, subpoena duces tecum or other
23 process directed to such a charitable organization, ~~professional~~
24 ~~fund-raising---counsel,~~ professional solicitor, ~~professional~~
25 ~~fund-raising counsel~~ or commercial co-venturer or to any partner,
26 principal, officer or director thereof, in any action or
27 proceeding brought by the Attorney General under this chapter.
28

29 **Sec. 12. 9 MRSA §5008,** as amended by PL 2001, c. 323, §§6 and
30 7, is further amended to read:

31 **§5008. Registration renewal, records and reporting by professional**
32 **solicitors, professional fund-raising counsel and**
33 **commercial co-venturers**

34 **1. Registration.** A person or entity may not act as a
35 ~~professional-fund-raising-counsel,~~ a professional solicitor, a
36 professional fund-raising counsel or a commercial co-venturer
37 before that person or entity has registered with the office.
38 Applications for registration or reregistration must be in
39 writing, under oath, in the form prescribed by the office and
40 accompanied by an application fee and a registration fee. The
41 application fee is nonrefundable. The applicant shall, at the
42 time of making application for registration or reregistration,
43 file with and have approved by the office a bond, in which the
44 applicant must be the principal obligor and the State the
45 obligee, in the sum of \$25,000, with one or more responsible
46 sureties whose liability in the aggregate as such sureties at
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2 least equals that sum. The bond runs to any person or entity who
3 may have a cause of action against the principal obligor of the
4 bond for any malfeasance or misfeasance in the conduct of
5 charitable solicitation in this State. Registration is for a
6 period of one year. ~~The registration fee and bond required by
7 this chapter must be waived for an auctioneer, when that
8 auctioneer engages in conduct for which that auctioneer is
9 already bonded, who is licensed by the Department of Professional
10 and Financial Regulation and who has otherwise complied with the
11 requirements of Title 32, chapter 5-B.~~

12 **1-A. Renewal of registration as professional solicitor,
13 professional fund-raising counsel or commercial co-venturer.** The
14 following provisions govern application and qualification for
15 renewal registration as a professional solicitor, professional
16 fund-raising counsel or commercial co-venturer.

18 A. An entity that holds a valid registration must submit a
19 completed application for renewal before the date of
20 expiration of the registration. A registration expires on
21 the stated date of expiration. The office must shall mail
22 an application form to the registrant's last known address.

24 B. An application may not be considered for approval until
25 complete. If the application is incomplete, the applicant
26 must include a letter documenting the specific reasons ~~for~~
27 the incompleteness the application is incomplete. If no
28 such letter is included, the incomplete application must be
29 returned for completion.

30 C. The complete application packet must include:

32 (1) All forms required in this section;

34 (2) A bond approved by the department in the sum of
36 \$25,000 with one or more responsible sureties whose
38 liability in the aggregate as such sureties at least
39 equals that sum. The bond must expire on the stated
40 date of expiration and be kept on file in the office
41 for 3 years; and

42 (3) A \$200 renewal of registration fee.

44 D. A professional solicitor, professional fund-raising
45 counsel or commercial co-venturer that who submits an
46 application for renewal of registration after the expiration
47 date must submit:

48 (1) A bond in the sum of \$25,000 that expires on the
50 stated date of expiration;

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- (2) A renewal of registration fee; and
- (3) The completed original application.

~~Er-- Annual reports must be submitted on a form provided by the office 60 days before the registration expiration date. The reports must state, at a minimum, the following:~~

~~(1)---For a professional solicitor or professional fund-raising counsel:~~

- ~~(a)---The person's address and telephone number;~~
- ~~(b)---The person's registration number;~~
- ~~(c)---The name, address and telephone number of each charitable organization;~~
- ~~(d)---The registration number of each charitable organization in division (c);~~
- ~~(e)---The date or dates of fund-raising campaigns;~~
- ~~(f)---The total amount raised by the professional solicitor or professional fund-raising counsel; and~~
- ~~(g)---The total amount received by each charitable organization in division (c); and~~

~~(2)---For a commercial co-venturer:~~

- ~~(a)---The person's name, address and telephone number;~~
- ~~(b)---The person's registration number;~~
- ~~(c)---The name, address and telephone number of each charitable organization;~~
- ~~(d)---The registration number of each charitable organization in division (c);~~
- ~~(e)---The date or dates of fund-raising campaigns;~~
- ~~(f)---The total amount raised by the commercial co-venturer; and~~
- ~~(g)---The total amount received by each charitable organization in division (c).~~

2 F. ---Failure--to--file--the--annual--report--may--result--in
disciplinary--action--as--provided--under--Title--10,--section
4 8003,---subsection---5.---Applications---for---renewal---of
registration--may--not--be--accepted--unless--the--annual--report
6 has--been--filed--with--the--department.

8 2. **Records.** A ~~professional---fund-raising---counsel,~~
professional solicitor, professional fund-raising counsel or
10 commercial co-venturer shall maintain accurate and complete books
and records of fund-raising activities and telephone solicitation
12 scripts and shall keep those books and records available for
inspection by the Attorney General or the office for a period of
14 3 years after the conclusion of each specific instance in which
that person acts as a ~~professional--fund-raising--counsel,~~
16 professional solicitor, professional fund-raising counsel or
commercial co-venturer.

18 **3-A. Annual fund-raising activity reports to be filed by**
20 **professional solicitors, professional fund-raising counsel and**
commercial co-venturers. Filing of annual fund-raising activity
22 reports by professional solicitors, professional fund-raisers and
commercial co-venturers is governed by this subsection.

24 A. Each professional solicitor, professional fund-raising
26 counsel or commercial co-venturer shall file with the office
an annual fund-raising activity report on a form prescribed
28 by the office at least 60 days prior to the registration
expiration date that reflects data from the preceding
30 calendar year. The report must state, at a minimum, the
following:

32 (1) The name, mailing address, telephone number and
34 registration number of the professional solicitor,
36 professional fund-raising counsel or commercial
co-venturer making the report;

38 (2) The mailing address, telephone number and
40 registration number of each charitable organization
with which the professional solicitor, professional
42 fund-raising counsel or commercial co-venturer has
contracted;

44 (3) The date of any fund-raising campaign in which the
46 professional solicitor, professional fund-raising
counsel or commercial co-venturer was involved;

48 (4) The total dollar amount raised during each
50 fund-raising campaign;

2 (5) The total dollar amount remitted to the charitable
3 organization from each fund-raising campaign and for
4 the year;

6 (6) The total dollar amount retained by the
7 professional solicitor from each fund-raising campaign
8 and for the year;

10 (7) The total dollar amount received by the
11 professional fund-raising counsel from each
12 fund-raising campaign and for the year; and

14 (8) The total dollar amount remitted by the commercial
15 co-venturer from each fund-raising campaign and for the
16 year.

18 B. Failure to file the annual fund-raising activity report
19 or disagreement between that report and the report submitted
20 by the charitable organization with which the professional
21 solicitor, professional fund-raising counsel or commercial
22 co-venturer has contracted may result in disciplinary action
23 as provided under Title 10, section 8003, subsection 5.

24 C. Contracting with an unregistered entity is prohibited
25 and may result in disciplinary action as provided under
26 Title 10, section 8003, subsection 5.

28 **4. Exemption.** This section does not apply to a national
29 bank, a federal savings bank, a subsidiary of a national bank or
30 federal savings bank or any other financial institution or credit
31 union chartered under the laws of the United States or any state
32 and subject to supervision and regulation by a federal financial
33 regulatory agency.

34 **Sec. 13. 9 MRSA §5009, sub-§1,** as enacted by PL 1999, c. 386,
35 Pt. A, §17, is amended to read:

38 **1. Contracts to be filed.** All contracts entered into
39 between ~~a--professional--fund-raising--counsel,~~ a professional
40 solicitor, a professional fund-raising counsel or a commercial
41 co-venturer and any charitable organization, whether or not the
42 organization is exempted under section 5006, must be in writing,
43 and a true and correct copy of each contract must be filed by the
44 ~~professional---fund-raising---counsel,~~ professional solicitor,
45 professional fund-raising counsel or commercial co-venturer who
46 is a party to the contract with the office before services are
47 performed under the contract. The contract must contain the
48 following provisions:

2 A. A statement of the charitable purpose for which a solicitation campaign is being conducted; and

4 B. A In the case of a professional solicitor, a statement
6 of the percentage of gross proceeds collected to be paid to
the charitable organization; and

8 C. The signatures and legibly printed or typed names of
10 individuals representing the contracting parties.

12 True and correct copies of contracts must be kept on file in the
14 offices of the charitable organization and the ~~professional~~
~~fund-raising---counsel,~~ professional solicitor, professional
16 fund-raising counsel or commercial co-venturer during the term of
the contract and for 3 years after the date of solicitation of
contributions provided for in the contract.

18 **Sec. 14. 9 MRSA §5011**, as amended by PL 1981, c. 456, Pt. A,
20 §37, is further amended to read:

22 **§5011. Public information**

24 All information required to be filed under this chapter
26 shall ~~be~~ is a public records record and shall must be available
to the public at the office of the commissioner or in any manner
the commissioner may prescribe.

28 **Sec. 15. 9 MRSA §5011-A** is enacted to read:

30 **§5011-A. Professional solicitor disclosure**

32 A professional solicitor or person who a professional
34 solicitor employs or engages, directly or indirectly, to solicit
contributions may not:

36 1. Misrepresentation of relationship. Misrepresent,
38 directly or indirectly, that person's relationship to a
charitable organization;

40 2. Misrepresentation of fact. Misrepresent, directly or
42 indirectly, to a contributor or potential contributor any fact
relating to the solicitation, including, but not limited to, the
44 percentage of the contribution that will be paid over to the
charitable organization or the purpose for which the contribution
46 will be used;

48 3. Use of contributions. Represent, directly or
indirectly, that any part of the contributions received will be
given or donated to any charitable organization unless the

2 organization has previously consented in writing to the use of
3 its name; or

4 4. Disclosure of information. Solicit a contribution from
5 any person in this State without clearly and conspicuously
6 disclosing to the person, prior to the time the person makes or
7 authorizes payment of a donation:

8 A. The name and address of the professional solicitor;

10 B. That the solicitor is being paid by the charitable
11 organization on whose behalf the solicitation is being made;
12 and

14 C. How the potential contributor may obtain information
15 from the State on the respective percentages of
16 contributions that will be paid to the charitable
17 organization and to the paid fund-raiser.

18 This section does not apply to a national bank, a federal
19 savings bank, a subsidiary of a national bank or federal savings
20 bank or any other financial institution or credit union chartered
21 under the laws of the United States or any state and subject to
22 supervision and regulation by a federal financial regulatory
23 agency.

24 **Sec. 16. 9 MRSA §5012**, as amended by PL 1999, c. 656, §4, is
25 amended to read:

26 **§5012. Charitable solicitation disclosure**

27 It shall be is a violation of this chapter for:

28 **1. Solicitation of contributions.** Any person or entity to
29 solicit contributions from a prospective donor without fully
30 disclosing to the prospective donor, at the time of solicitation
31 but prior to the request for contributions, the name and address
32 of the charitable organization for which the solicitation is
33 being conducted; ~~and.~~

34 ~~**2. Solicitation by a professional charitable fund-raiser.**~~
35 ~~Any professional fund-raising counsel, professional solicitor or~~
36 ~~commercial coventurer, or any of its agents or persons acting on~~
37 ~~its behalf, to solicit contributions from a prospective donor~~
38 ~~without fully disclosing to the prospective donor at the time of~~
39 ~~solicitation but prior to the request for contributions;~~

40 ~~A. The name and address of the professional fund-raising~~
41 ~~counsel, professional solicitor or commercial coventurer; and~~
42

2 ~~B. The following statement:~~

4 ~~"(Insert name of professional fund-raising counsel,~~
6 ~~professional solicitor or commercial coventurer) is a~~
8 ~~professional charitable fund-raiser."~~

10 ~~A charitable organization that employs a commercial~~
12 ~~co-venturer to solicit goods through the placement of containers~~
14 ~~in public places shall post the disclosure required in this~~
16 ~~section in writing that is clearly visible to a person placing a~~
18 ~~contribution in the container.~~

20 This section does not apply to a national bank, a federal
22 savings bank, a subsidiary of a national bank or federal savings
24 bank or any other financial institution or credit union chartered
26 under the laws of the United States or any state and subject to
28 supervision and regulation by a federal financial regulatory
30 agency.

32 **Sec. 17. 9 MRSA §5012-A**, as enacted by PL 1999, c. 221, §4,
34 is amended to read:

36 **§5012-A. Commercial co-venturer disclosure**

38 A commercial co-venturer who is engaged in the solicitation
40 of goods is guilty of a deceptive and prohibited practice if that
42 commercial co-venturer charges a charitable organization a sum of
44 money for the goods and the co-venturer's services in the
46 collection of those goods that far exceeds the fair market value
48 of those goods and services. Such an action constitutes a fraud
50 against the charity and its donors. Fair market value may be
 established in any commercially acceptable fashion including a
 comparison of the amount paid for similar goods and services by a
 similar charity. Any promotional materials used by a commercial
 co-venturer to disclose that a component of the purchase price of
 the goods will accrue to the benefit of a charitable organization
 must also state either the percentage of the purchase price or
 the dollar amount to be remitted. This section does not apply to
 a national bank, a federal savings bank, a subsidiary of a
 national bank or federal savings bank or any other financial
 institution or credit union chartered under the laws of the
 United States or any state and subject to supervision and
 regulation by a federal financial regulatory agency.

Sec. 18. 9 MRSA §§5017 and 5018 are enacted to read:

§5017. Denial or refusal to renew registration

The commissioner may deny or refuse to renew a registration
 under this chapter for fraud, misrepresentation or deception on

2 an application for violation of any provision of statute or rule
3 adopted under this chapter.

4 **§5018. Rulemaking**

6 The commissioner shall propose, revise, adopt and enforce
7 rules necessary to carry out this chapter. Rules adopted
8 pursuant to this chapter are routine technical rules pursuant to
9 Title 5, chapter 375, subchapter 2-A.

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SUMMARY

14

15 This bill creates consistency in the timing and content of
16 reports submitted by charitable organizations and the parties
17 with whom they contract in order to facilitate comparison of data
18 regarding the reported percentage of funds raised that are
19 remitted to the charity for program purposes and the percentage
20 accruing to the benefit of paid professional solicitors. The
21 bill also clarifies the distinction between a professional
22 solicitor and a professional fund-raising counsel. In addition,
23 the bill enables the Department of Professional and Financial
24 Regulation to collect financial data from professional solicitors
25 who have, in the past, been able to withhold it by obtaining
26 registrations as professional fund-raising counsel, as is
27 currently permitted by law.

28

29 The bill extends the disciplinary authority of the
30 department over entities registered under the Charitable
31 Solicitations Act to any instance in which the provisions of the
32 act have been violated. Finally, the bill eliminates the bonding
33 exemption for auctioneers who become professional solicitors,
34 professional fund-raising counsel or commercial co-venturers.