

-ANG R. 43	1		L.D. 1277	
	2	Date: 5/29/2013	(Filing No. S-145)	
	3	INSURANCE AND FINANCIAL SERVICES		
4 Reproduced and distributed		Reproduced and distributed under the direction of t	ted under the direction of the Secretary of the Senate.	
	5	STATE OF MAINE SENATE		
	6			
	7	126TH LEGISLATURE		
	8	FIRST REGULAR SESSION		
	 9 COMMITTEE AMENDMENT "A" to S.P. 438, L.D. 1277, Bill, "An Act To Streamline the Charitable Solicitations Act" 11 Amend the bill by striking out all of sections 5 and 6 and inserting the following: 12 'Sec. 5. 9 MRSA §5003, sub-§4-D is enacted to read: 			
	13 14	 <u>4-D. Director.</u> "Director" means the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation. Sec. 6. 9 MRSA §5003, sub-§5-A, as enacted by PL 1977, c. 696, §359, is repealed.' 		
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	17	Amend the bill by striking out all of section 8 and inserting the following:		
	18 19	 to read: 8. Principal officer. "Principal officer" means the president, chairman chair, executive director or other charitable officers officer or employee responsible for the daily operation of the a charitable organization, a professional solicitor or professional fund-raising counsel.' Amend the bill in section 9 in §5004 in subsection 7 in the 2nd line (page 5, line 2 in 		
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26 Amend the bill by striking out all of section		Amend the bill by striking out all of section 12 and	inserting the following:	
	27 28	 'Sec. 12. 9 MRSA §5006, sub-§1, ¶A, as amended by PL 1999, c. 386, Pt. A, §15, is further amended to read: A. Organizations that solicit primarily within their membership and where solicitation activities are conducted by members do not contract with a professional solicitor or professional fund-raising counsel. For purposes of this paragraph, the term "membership" does not include those persons who are granted a membership upon making a contribution as a result of a solicitation; 		
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COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to S.P. 438, L.D. 1277

Sec. 13. 9 MRSA §5006, sub-§1, ¶D, as amended by PL 2007, c. 402, Pt. A, §5 and by PL 2011, c. 286, Pt. B, §5, is further amended to read:

D. Charitable organizations that do not intend to solicit and receive and do not actually solicit or receive contributions from the public in excess of \$10,000 \$35,000 during a calendar year or do not receive contributions from more than 10 35 persons during a calendar year, if all fund-raising activities are carried on by persons who are unpaid for their services and if no part of the assets or income inures to the benefit of or is paid to any officer or member. If a charitable organization that does not intend to solicit or receive contributions from more than 35 persons during a calendar year does actually solicit or receive contributions in excess of that amount, whether or not all such contributions are received during a calendar year, the charitable organization, within 30 days after the date contributions reach \$10,000 \$35,000 or the number of contributors reaches 35, must be licensed with and report to the Office of Professional and Occupational Regulation the director as required by this Act;'

Amend the bill in section 21 in §5012 in the first paragraph in the 3rd line (page 10, line 32 in L.D.) by inserting after the following: "and" the following: 'physical'

19 Amend the bill by relettering or renumbering any nonconsecutive Part letter or 20 section number to read consecutively.

SUMMARY

22 This amendment does the following.

It removes the definition of "independent public accountant," which is a term no
 longer used in the Charitable Solicitations Act.

25 2. It adds to the definition of "principal officer" the executive director or other 26 employee responsible for the daily operation of a charitable organization.

3. It specifies that a charitable organization must notify the Department of
 Professional and Financial Regulation, Office of Professional and Occupational
 Regulation only of any "material" change in the organization's application for initial or
 renewal licensure.

4. It adds to the basis for the exemption from licensure organizations that solicit
 primarily within their membership that do not contract with a professional solicitor or
 professional fund-raising counsel.

5. It further increases the threshold for licensure of charitable organizations to
\$35,000 in contributions in a calendar year or contributions from more than 35 persons.
The bill proposes to increase the threshold to \$25,000 in contributions in a calendar year
or contributions from more than 25 persons.

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6. It specifies that it is a violation of the Charitable Solicitations Act if a person or entity does not disclose to a prospective donor at the time of solicitation the "physical" address of the charitable organization for which the solicitation is being conducted.

FISCAL NOTE REQUIRED

(See attached)

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COMMITTEE AMENDMENT

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R.45



126th MAINE LEGISLATURE

LD 1277

LR 562(02)

An Act To Streamline the Charitable Solicitations Act

Fiscal Note for Bill as Amended by Committee Amendment "4" (5-145) Committee: Insurance and Financial Services Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Additional costs to the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation associated with implementing the requirements of this legislation can be absorbed within existing budgeted resources.