

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1277

S.P. 438

In Senate, March 28, 2013

### An Act To Streamline the Charitable Solicitations Act

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

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator CUSHING of Penobscot.  
Cosponsored by Representative CAMPBELL of Newfield and  
Representatives: HAMANN of South Portland, WILLETTE of Mapleton, WINCHENBACH  
of Waldoboro.

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

2 **Sec. 1. 9 MRSA §5002**, as amended by PL 2007, c. 402, Pt. A, §1, is further  
3 amended to read:

4 **§5002. Intent**

5 It is the intent of the Legislature to require the licensure and financial reporting of  
6 charitable organizations, professional solicitors, and professional fund-raising counsel  
7 and ~~commercial co-venturers~~ and the bonding of professional solicitors ~~and commercial~~  
8 ~~co-venturers~~.

9 **Sec. 2. 9 MRSA §5003, sub-§3**, as amended by PL 2011, c. 286, Pt. A, §1, is  
10 repealed.

11 **Sec. 3. 9 MRSA §5003, sub-§3-A**, as amended by PL 1999, c. 386, Pt. A, §3, is  
12 repealed.

13 **Sec. 4. 9 MRSA §5003, sub-§4-B**, as enacted by PL 2003, c. 541, §3, is repealed.

14 **Sec. 5. 9 MRSA §5003, sub-§4-C** is enacted to read:

15 **4-C. Director.** "Director" means the Director of the Office of Professional and  
16 Occupational Regulation within the Department of Professional and Financial Regulation.

17 **Sec. 6. 9 MRSA §5003, sub-§5-A**, as enacted by PL 1977, c. 696, §359, is  
18 amended to read:

19 **5-A. Independent public accountant.** "Independent public accountant" means a  
20 public accountant who is not ~~the principal~~ an officer ~~or other officer,~~ employee,  
21 professional solicitor, or professional fund-raising counsel ~~or commercial co-venturer~~  
22 of the charitable organization or parent organization.

23 **Sec. 7. 9 MRSA §5003, sub-§5-F**, as amended by PL 2011, c. 286, Pt. B, §5, is  
24 repealed.

25 **Sec. 8. 9 MRSA §5003, sub-§8**, as enacted by PL 1977, c. 488, §1, is amended to  
26 read:

27 **8. Principal officer.** "Principal officer" means the president, ~~chairman~~ chair or other  
28 ~~charitable officers~~ officer responsible for the daily operation of ~~the~~ a charitable  
29 organization, professional solicitor or professional fund-raising counsel.

30 **Sec. 9. 9 MRSA §5004**, as amended by PL 2011, c. 286, Pt. A, §§3 to 6, is further  
31 amended to read:

32 **§5004. Licensure of charitable organizations**

33 ~~Charitable organizations must be licensed as follows.~~

1           **1. Initial licensure as a charitable organization.** The following provisions govern  
2 license applications by charitable organizations.

3           A. Unless ~~exempt~~ it has received an exemption pursuant to section 5006, a charitable  
4 organization that intends to solicit, accept or obtain contributions in this State or to  
5 have contributions solicited, accepted or obtained on its behalf within this State shall  
6 file a license application with the ~~office~~ director and pay the application and license  
7 fees as set under section 5015-A at least 30 days before soliciting, accepting or  
8 obtaining contributions ~~in each year in which the organization is engaged in~~  
9 ~~soliciting, accepting or obtaining contributions.~~ Before it is issued a license by the  
10 director, a charitable organization that is required to file an initial license application  
11 may not solicit, accept or obtain contributions or have contributions solicited,  
12 accepted or obtained on its behalf by any other person, charitable organization or  
13 professional solicitor. The charitable organization shall identify any affiliate  
14 organizations or chapters on its license application.

15           B. A parent organization may file a consolidated license application for its affiliates,  
16 chapters and branches in this State and shall pay a single fee for such a consolidated  
17 license application.

18           ~~C. Before issuance of a license by the office, a charitable organization that is~~  
19 ~~required to file an initial license application or annual renewal application may not~~  
20 ~~solicit, accept or obtain contributions or have contributions solicited, accepted or~~  
21 ~~obtained on its behalf by any other person, charitable organization, commercial~~  
22 ~~co-venturer or professional solicitor, or participate in charitable sales promotion.~~

23           ~~**2-A. Fee for license application.** Charitable organizations shall pay the application~~  
24 ~~fee, initial fee and renewal fee as set under section 5015-A. The application fee is~~  
25 ~~nonrefundable.~~

26           **3. Content of application for initial licensure.** A license application must be  
27 sworn to or affirmed by the principal officer of ~~any~~ the charitable organization and must  
28 contain the following information, ~~which must be updated within 10 days when any~~  
29 ~~change occurs in the information filed:~~

30           A. The name of the organization and the purpose for which it was organized;

31           B. The principal mailing address of the organization and the mailing address of any  
32 offices in this State, or, if the organization does not maintain an office, the name and  
33 mailing address of the person having custody of its financial records;

34           C. The names and mailing addresses of any chapters, branches or affiliates in this  
35 State;

36           D. The place where and the date when the organization was legally established, the  
37 form of its organization and a ~~reference to any determination of its tax-exempt status~~  
38 ~~under the United States Internal Revenue Code~~ copy of its certificate of existence or  
39 other organizing document;

40           E. The names and mailing addresses of the officers, directors or trustees and the  
41 principal salaried executive staff officer;

- 1 F. A statement as to whether the organization intends to solicit contributions from  
2 the public directly or have such done on its behalf by others;
- 3 G. The name and, mailing address and license number of any professional  
4 fund-raising counsel, solicitor or professional solicitor or commercial co-venturer  
5 fund-raising counsel who acts or will act on behalf of the charitable organization and  
6 terms of remuneration of the counsel, solicitor or co-venturer in connection with  
7 fund-raising campaigns for contributions from the State's residents;
- 8 H. ~~A statement as to whether the organization is authorized by any other~~  
9 ~~governmental authority~~ list of all jurisdictions in which the organization is authorized  
10 to solicit contributions and whether it is or has ever been enjoined by any court from  
11 soliciting contributions;
- 12 I. The purpose or purposes for which the contributions to be solicited will be used;
- 13 ~~K. The name or names under which it intends to solicit contributions;~~
- 14 L. The names of the individuals or officers of the organizations who will have final  
15 responsibility for the custody of the contributions;
- 16 M. The names of the individuals or officers of the organization responsible for the  
17 final distribution of the contributions;
- 18 ~~N. The total amount of money received as contributions during the organization's~~  
19 ~~preceding fiscal year and the dates of the fiscal year;~~
- 20 P. A determination letter from the federal Internal Revenue Service, confirming the  
21 tax-exempt status of the charitable organization; ~~and~~
- 22 Q. Disclosure of, and the final disposition document pertaining to, any disciplinary  
23 action taken against the applicant by a licensing, registration or regulatory authority  
24 in any jurisdiction-;
- 25 R. Disclosure of, and the final disposition document pertaining to, any court action  
26 taken against the applicant by a licensing, registration or regulatory authority or law  
27 enforcement agency in any jurisdiction that resulted in a restraining order, injunction,  
28 civil judgment, criminal conviction, consent judgment, consent agreement, agreement  
29 to pay restitution or investigative costs or any other type of negotiated disposition;  
30 and
- 31 S. Other information as the director may require, including but not limited to  
32 documentation as to the current federal tax-exempt status of the charitable  
33 organization.
- 34 **4. Renewal of licensure as a charitable organization.** ~~The following provisions~~  
35 ~~govern the application and qualifications for renewal of a license as a charitable~~  
36 ~~organization. A license issued by the director to a charitable organization expires on~~  
37 ~~November 30th annually or such other time as the director may designate. A charitable~~  
38 ~~organization shall apply for renewal by filing a renewal application with the director prior~~  
39 ~~to the expiration date and paying the license fee as set under section 5015-A.~~
- 40 ~~A. A person or entity that holds a valid license must submit to the office a~~  
41 ~~completed application for renewal prior to the date of expiration of the license.~~

1 ~~B. An application for license renewal may not be considered until it is complete. If~~  
2 ~~the application is incomplete, the applicant must include a letter documenting the~~  
3 ~~specific reasons the application is incomplete. If that letter is not included, the~~  
4 ~~incomplete application must be returned for completion.~~

5 ~~C. A charitable organization that submits an application for renewal after the~~  
6 ~~expiration date must include with the application:~~

- 7 ~~(1) A financial report covering the most recently audited fiscal year;~~  
8 ~~(2) The filing fee and license renewal fee as set under section 5015 A; and~~  
9 ~~(3) A completed application.~~

10 ~~D. The complete packet for renewal of license application must include all the~~  
11 ~~requirements identified in subsection 3 as well as the following:~~

12 ~~(1) The organization's most recent federal Internal Revenue Service Form 990~~  
13 ~~and Schedule A, federal Internal Revenue Service Form 990-EZ or federal~~  
14 ~~Internal Revenue Service Form 990-N, as required by the federal Internal~~  
15 ~~Revenue Service; and~~

16 ~~(2) An audited financial statement of the organization's most recent audited fiscal~~  
17 ~~year, if one has been prepared in order to comply with the requirements of~~  
18 ~~another jurisdiction or otherwise exists. If an audited financial statement does~~  
19 ~~not exist, a balance sheet identifying assets and liabilities and an income~~  
20 ~~statement identifying revenues and expenditures may be substituted.~~

21 **5. Content of renewal application.** A renewal application pursuant to subsection 4  
22 must contain the following information:

23 A. The annual fund-raising activity report required by section 5005-B;

24 B. Disclosure of, and the final disposition document pertaining to, any disciplinary  
25 action taken against the licensee by a licensing, registration or regulatory authority in  
26 any jurisdiction since the date of the most recent application submitted by the  
27 charitable organization;

28 C. Disclosure of, and the final disposition document pertaining to, any court action  
29 taken against the licensee by a licensing, registration or regulatory authority or law  
30 enforcement agency in any jurisdiction that resulted in a restraining order, injunction,  
31 civil judgment, criminal conviction, consent judgment, consent agreement, agreement  
32 to pay restitution or investigative costs or any other type of negotiated disposition  
33 since the date of the most recent application submitted by the charitable organization;

34 D. Any changes to the information contained in the licensee's application for initial  
35 licensure or the most recent renewal application; and

36 E. Other information as the director may require.

37 **6. Late renewal.** A license may be renewed up to 90 days after the date of its  
38 expiration upon payment of a late fee in addition to the renewal fee as set under section  
39 5015-A.

1            **7. Change of information.** As an ongoing condition of licensure, a charitable  
2 organization shall notify the director of a change to the information contained in the  
3 organization's application for initial or renewal licensure, including any additional  
4 disciplinary or court action taken against the organization, within 10 days of the change.

5            **Sec. 10. 9 MRSA §5005-A**, as enacted by PL 1999, c. 386, Pt. A, §14, is repealed  
6 and the following enacted in its place:

7            **§5005-A. Records**

8            **1. Books and records.** A charitable organization shall maintain accurate and  
9 complete books and records of all fund-raising campaigns and shall keep those books and  
10 records available for inspection by or production to the Attorney General or the director  
11 for 3 years after the conclusion of each fund-raising campaign.

12            **2. Audited financial statement.** A charitable organization shall produce upon  
13 request of the Attorney General or the director, in conjunction with an application for  
14 initial or renewal licensure or at any other time:

15            A. An audited financial statement of the charitable organization's most recent audited  
16 fiscal year if one has been prepared in order to comply with the requirements of  
17 another jurisdiction or otherwise exists; or

18            B. If an audited financial statement under paragraph A does not exist, a balance sheet  
19 identifying assets and liabilities and an income statement identifying revenues and  
20 expenditures.

21            **3. Tax returns.** A charitable organization shall produce upon request of the  
22 Attorney General or the director, in conjunction with an application for initial or renewal  
23 licensure or at any other time, its 3 most recent federal Internal Revenue Service Form  
24 990 and Schedule A, federal Internal Revenue Service Form 990-EZ or federal Internal  
25 Revenue Service Form 990-N, as required by the federal Internal Revenue Service.

26            **Sec. 11. 9 MRSA §5005-B**, as amended by PL 2011, c. 286, Pt. A, §7, is further  
27 amended to read:

28            **§5005-B. Annual fund-raising activity reports to be filed by charitable**  
29 **organizations**

30            **1. Content of report.** A charitable organization shall submit to the ~~office~~ director an  
31 annual fund-raising activity report that reflects data from the ~~organization's~~ preceding  
32 calendar fiscal year, on a form prescribed by the ~~office~~ director, ~~at least 60 days prior to~~  
33 the license expiration date as part of its application for license renewal. ~~The report must~~  
34 ~~state, at a minimum, the following:~~

35            A. The ~~charitable organization's~~ name, mailing address, telephone number and  
36 license number ~~of the charitable organization making the report~~;

37            B. The name, mailing address, telephone number and license number of each  
38 professional solicitor, ~~and~~ professional fund-raising counsel ~~and commercial~~  
39 co-venturer with which the charitable organization ~~contracts~~ contracted to solicit

1 contributions in this State or to plan, manage, advise or provide consultation services  
2 with respect to the solicitation of contributions in this State;

3 ~~C. The date of each fund raising campaign;~~

4 D. The total dollar amount of contributions raised in this State during each  
5 fund-raising campaign and for the year;

6 E. The total dollar amount of contributions raised in this State that was actually  
7 received and retained by the charitable organization from each fund-raising campaign  
8 and for the year; and

9 F. The total dollar amount attributable to contributions raised in this State that was  
10 retained by or paid to any professional solicitor or professional fund-raising counsel  
11 from each fund-raising campaign and for the year;

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

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

16 **2. Failure to file; discrepancies.** Failure to file the annual fund-raising activity  
17 report required under this section or disagreement between the report filed by the  
18 charitable organization and that submitted by the professional solicitor; or professional  
19 fund-raising counsel ~~or commercial co-venturer~~ with which the charitable organization  
20 has contracted may result in disciplinary action as provided under Title 10, section 8003,  
21 subsection 5-A. To resolve a disagreement between reports, the director may require the  
22 charitable organization to submit an annual fund-raising activity report according to a  
23 fiscal year other than the organization's fiscal year.

24 **3. Contracting with unlicensed entities prohibited.** A charitable organization may  
25 not contract with an unlicensed professional solicitor; or professional fund-raising  
26 counsel ~~or commercial co-venturer~~. A violation of this subsection may result in  
27 disciplinary action as provided under Title 10, section 8003, subsection 5-A.

28 ~~**4. Application subsequent to lapse of licensure.** An applicant whose prior license~~  
29 ~~was not renewed or was terminated must file, along with the application, an annual~~  
30 ~~fund raising activity report for the most recent calendar year in which the applicant~~  
31 ~~conducted charitable solicitation activity within the United States.~~

32 **Sec. 12. 9 MRSA §5006, sub-§1, ¶D,** as amended by PL 2011, c. 286, Pt. B, §5,  
33 is further amended to read:

34 D. Charitable organizations that do not intend to solicit and receive and do not  
35 actually solicit or receive contributions from the public in excess of ~~\$10,000~~ \$25,000  
36 during a calendar year or do not receive contributions from more than ~~40~~ 25 persons  
37 during a calendar year, if all fund-raising activities are carried on by persons who are  
38 unpaid for their services and if no part of the assets or income inures to the benefit of  
39 or is paid to any officer or member. If a charitable organization that does not intend to  
40 solicit or receive contributions from the public in excess of ~~\$10,000~~ \$25,000 or does  
41 not intend to receive contributions from more than 25 persons during a calendar year



1 does actually solicit or receive contributions in excess of that amount, whether or not  
2 all such contributions are received during a calendar year, or actually receives  
3 contributions from more than 25 persons during a calendar year, the charitable  
4 organization, within 30 days after the date contributions reach ~~\$10,000~~ \$25,000 or the  
5 number of contributors reaches 25, must be licensed with ~~and report to the Office of~~  
6 ~~Professional and Occupational Regulation~~ the director as required by this Act;

7 **Sec. 13. 9 MRSA §5006, sub-§3**, as amended by PL 2007, c. 402, Pt. A, §5, is  
8 further amended to read:

9 **3. Procedures for claiming exemption from licensure.** A charitable organization  
10 claiming to be exempt under subsection 1 must submit to the ~~office~~ director annually on  
11 forms prescribed by ~~that office~~ the director and accompanied by the fee as set under  
12 section 5015-A; a sworn statement setting forth the name and address of the organization  
13 and its principal executive personnel, the purpose of the organization and the factual basis  
14 for the exemption. The organization claiming exemption must include a copy of any  
15 financial statement, report or return filed with the federal Internal Revenue Service. The  
16 ~~office~~ director shall issue annually an exemption to those organizations considered  
17 exempt under subsection 1.

18 **Sec. 14. 9 MRSA §5007**, as amended by PL 2003, c. 541, §11, is repealed.

19 **Sec. 15. 9 MRSA §5008**, as amended by PL 2011, c. 286, Pt. A, §8, is repealed.

20 **Sec. 16. 9 MRSA §§5008-A and 5008-B** are enacted to read:

21 **§5008-A. Licensure, license renewal and records kept by professional solicitors and**  
22 **professional fund-raising counsel**

23 **1. Initial licensure.** A person or entity may not act as a professional solicitor or  
24 professional fund-raising counsel before that person or entity has received a license from  
25 the director. A professional solicitor or professional fund-raising counsel shall apply for  
26 initial licensure by filing a license application with the director and paying the application  
27 and license fees as set under section 5015-A. A professional solicitor, in addition, shall  
28 submit the bond required by subsection 5.

29 **2. Content of application for initial licensure.** A license application must be  
30 sworn to or affirmed by the principal officer of the professional solicitor or professional  
31 fund-raising counsel on a form prescribed by the director and must contain the following  
32 information:

33 A. The name, mailing address and license number of each charitable organization on  
34 whose behalf the professional solicitor or professional fund-raising counsel acts or  
35 will act in connection with fund-raising campaigns for contributions from the State's  
36 residents;

37 B. A list of all jurisdictions in which the professional solicitor or professional fund-  
38 raising counsel is authorized to solicit contributions;

1 C. Disclosure of, and the final disposition document pertaining to, any disciplinary  
2 action taken against the applicant by a licensing, registration or regulatory authority  
3 in any jurisdiction;

4 D. Disclosure of, and the final disposition document pertaining to, any court action  
5 taken against the applicant by a licensing, registration or regulatory authority or law  
6 enforcement agency in any jurisdiction that resulted in a restraining order, injunction,  
7 civil judgment, criminal conviction, consent judgment, consent agreement, agreement  
8 to pay restitution or investigative costs or any other type of negotiated disposition;  
9 and

10 E. Other information as the director may require.

11 **3. Renewal of licensure as a professional solicitor or professional fund-raising**  
12 **counsel.** A license issued by the director to a professional solicitor or professional  
13 fund-raising counsel expires on November 30th annually or such other time as the  
14 director may designate. A professional solicitor or professional fund-raising counsel shall  
15 apply for renewal by filing a renewal application with the director prior to the expiration  
16 date and paying the license fee as set under section 5015-A. A professional solicitor shall,  
17 in addition, submit the bond required by subsection 5.

18 **4. Content of renewal application.** A renewal application pursuant to subsection 3  
19 must contain the following information:

20 A. The annual fund-raising activity report required by section 5008-B;

21 B. Disclosure of, and the final disposition document pertaining to, any disciplinary  
22 action taken against the licensee by a licensing, registration or regulatory authority in  
23 any jurisdiction since the date of the most recent application submitted by the  
24 professional solicitor or professional fund-raising counsel;

25 C. Disclosure of, and the final disposition document pertaining to, any court action  
26 taken against the licensee by a licensing, registration or regulatory authority or law  
27 enforcement agency in any jurisdiction that resulted in a restraining order, injunction,  
28 civil judgment, criminal conviction, consent judgment, consent agreement, agreement  
29 to pay restitution or investigative costs or any other type of negotiated disposition  
30 since the date of the most recent application submitted by the professional solicitor or  
31 professional fund-raising counsel;

32 D. Any changes to the information contained in the licensee's application for initial  
33 licensure or the most recent renewal application; and

34 E. Other information as the director may require.

35 **5. Bonding of professional solicitors.** An applicant for initial or renewal licensure  
36 as a professional solicitor shall submit with the application a bond approved by the  
37 director in which the professional solicitor is the principal obligor and the State the  
38 obligee, in the sum of \$25,000, with one or more responsible sureties whose liability in  
39 the aggregate at least equals that sum. The bond runs to any person or entity who may  
40 have a cause of action against the principal obligor of the bond for any malfeasance or  
41 misfeasance in the conduct of charitable solicitation in this State that occurs during the  
42 term of the license applied for.

1           **6. Late renewal.** A license may be renewed up to 90 days after the date of its  
2 expiration upon payment of a late fee in addition to the renewal fee as set under section  
3 5015-A.

4           **7. Change of information.** As an ongoing condition of licensure, a professional  
5 solicitor or professional fund-raising counsel must notify the director of a change to the  
6 information contained in the licensee's application for initial or renewal licensure,  
7 including any additional disciplinary or court action taken against the licensee, within 10  
8 days of the change.

9           **8. Records.** A professional solicitor or professional fund-raising counsel shall  
10 maintain accurate and complete books and records of fund-raising activities and  
11 telephone solicitation scripts and shall keep those books and records available for  
12 inspection by or production to the Attorney General or the director for a period of 3 years  
13 after the conclusion of each specific instance in which that person or entity acts as a  
14 professional solicitor or professional fund-raising counsel.

15           **§5008-B. Annual fund-raising activity reports to be filed by professional solicitors**  
16 **and professional fund-raising counsel**

17           **1. Content of report.** A professional solicitor or professional fund-raising counsel  
18 licensed pursuant to section 5008-A shall submit to the director an annual fund-raising  
19 activity report that reflects data from the licensee's preceding fiscal year, on a form  
20 prescribed by the director, as part of its application for license renewal. The report must  
21 state, at a minimum, the following:

22           A. The name, mailing address, telephone number and license number of the licensee  
23 making the report;

24           B. The name, mailing address, telephone number and license number of each  
25 charitable organization with which the licensee contracted to solicit contributions in  
26 this State or to plan, manage, advise or provide consultation services with respect to  
27 the solicitation of contributions in this State;

28           C. The total dollar amount of contributions raised in this State during each fund-  
29 raising campaign and for the year;

30           D. The total dollar amount of contributions raised in this State that was actually  
31 received and retained by the charitable organization from each fund-raising campaign  
32 and for the year; and

33           E. The total dollar amount attributable to contributions raised in this State that was  
34 retained by or paid to the licensee from each fund-raising campaign and for the year.

35           **2. Failure to file; discrepancies.** Failure to file the annual fund-raising activity  
36 report required under this section or filing a report that contains discrepancies between  
37 that report and the report submitted by the charitable organization with which the  
38 professional solicitor or professional fund-raising counsel has contracted may result in  
39 disciplinary action as provided under Title 10, section 8003, subsection 5-A. To resolve a  
40 disagreement between reports, the director may require the professional solicitor or  
41 professional fund-raising counsel to submit an annual fund-raising activity report

1 according to a fiscal year other than the professional solicitor's or professional  
2 fund-raising counsel's fiscal year.

3 **3. Contracting with unlicensed charitable organization.** A person may not  
4 contract with an unlicensed charitable organization for the solicitation of funds from the  
5 State's residents. A violation of this subsection may result in disciplinary action as  
6 provided under Title 10, section 8003, subsection 5-A.

7 **Sec. 17. 9 MRSA §5009**, as amended by PL 2007, c. 402, Pt. A, §§7 and 8, is  
8 repealed and the following enacted in its place:

9 **§5009. Retention of contracts**

10 All contracts entered into between a professional solicitor or professional  
11 fund-raising counsel and a charitable organization, whether or not the organization is  
12 exempted under section 5006, must be in writing.

13 Contracts must be kept on file in the offices of the charitable organization and the  
14 professional solicitor or professional fund-raising counsel during the term of the contract  
15 and for 3 years after the date of solicitation of contributions provided for in the contract  
16 and must be made available for inspection by or production to the Attorney General or  
17 the director during that time.

18 **Sec. 18. 9 MRSA §5010**, as amended by PL 2003, c. 204, Pt. A, §1, is repealed.

19 **Sec. 19. 9 MRSA §5011**, as amended by PL 2003, c. 541, §14, is further amended  
20 to read:

21 **§5011. Public information**

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

25 **Sec. 20. 9 MRSA §5011-A, last ¶**, as enacted by PL 2003, c. 541, §15, is  
26 repealed.

27 **Sec. 21. 9 MRSA §5012**, as amended by PL 2003, c. 541, §16, is repealed and the  
28 following enacted in its place:

29 **§5012. Charitable solicitation disclosure**

30 It is a violation of this chapter for any person or entity to solicit contributions from a  
31 prospective donor without fully disclosing to the prospective donor, at the time of  
32 solicitation but prior to the request for contributions, the name and address of the  
33 charitable organization for which the solicitation is being conducted.

34 **Sec. 22. 9 MRSA §5012-A**, as amended by PL 2011, c. 286, Pt. A, §9, is repealed.



1 streamlines the licensing process by requiring licensees only to update changed  
2 information.

3 The bill requires that, as an ongoing condition of licensure, licensees must notify the  
4 Department of Professional and Financial Regulation, Office of Professional and  
5 Occupational Regulation of any change in application information within 10 days.  
6 Disclosure of court actions and disciplinary actions in other states has been included as a  
7 licensing requirement. The bill expands the description of reportable court actions.