

MAINE STATE LEGISLATURE

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N I N E T Y - S E V E N T H L E G I S L A T U R E

Legislative Document

No. 119

H. P. 111

House of Representatives, January 20, 1955.

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Charles of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Regulating the Solicitation and Collection of Funds for Charitable Purposes.

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

Sec. 1. R. S., c. 25, §§ 274-A - 274-D, additional. Chapter 25 of the revised statutes is hereby amended by adding thereto 4 new sections to be numbered 274-A to 274-D, inclusive, to read as follows:

‘Solicitation of Charitable Funds.

Sec. 274-A. Definitions. The following words and phrases as used in sections 274-A to 274-D, inclusive, shall have the following meanings unless a different meaning is required by the context:

“Charitable organizations” shall mean any group of benevolent, philanthropic, patriotic or eleemosynary persons or persons purporting to be such;

“Contribution” shall mean the promise or grant of any money or property of any kind or value;

“Person” shall mean any individual, organization, group, association, partnership, corporation or any combination of them.

“Professional fund raiser” shall mean any person who, for compensation or other consideration plans, conducts, manages or carries on any drive or campaign in this State for the purpose of soliciting contributions for or on behalf of any charitable organization or any other person, or who engages in the business of, or holds himself out to persons in this State as independently engaged in the business of soliciting contributions for such purpose. A bona fide officer or employee of a charitable organization shall not be deemed a professional fund raiser.

“Professional solicitor” shall mean any person who is employed or retained for compensation by a professional fund raiser to solicit contributions for charitable purposes from persons in this State.

Sec. 274-B. Exemptions. The following persons shall not be required to register with the Department of Health and Welfare:

- I. Educational institutions when solicitations of contributions is confined to student body and their families, alumni, faculty and trustees.
- II. Fraternal, patriotic and social organizations when solicitation of contributions is confined to their membership.
- III. Persons requesting any contributions for the relief of any individual, specified by name at the time of the solicitation, if all of the contributions collected, without any deductions whatsoever, are turned over to the named beneficiary.

Sec. 274-C. License. No person, firm, corporation or association shall solicit funds for charitable or benevolent purposes outside of the municipalities where such persons reside or where such firm, corporation or association has its place of business, without having in full force a written license therefor from the Department of Health and Welfare. No license shall be granted for a term exceeding one year.

Application for such a license shall contain the following:

- I. The name under which the charitable organization intends to solicit contributions;
- II. The names and addresses of officers, directors, trustees and executive personnel; addresses shall include both residence and place of business.
- III. The names and addresses of any paid professional fund raisers and paid professional solicitors who act or will act on behalf of the charitable organization, together with a statement setting forth the terms of the arrangements for salaries, bonuses, commissions or other remuneration to be paid the paid professional fund raisers, and the paid or professional solicitors;
- IV. The general purpose for which the charitable organization is organized;
- V. The purpose for which the contributions to be solicited will be used;
- VI. The period of time during which the solicitation will be made;
- VII. Such other information as may be necessary or appropriate in the public interest or for the protection of contributors;
- VIII. The registration form and any other documents prescribed by the Department, shall be signed by the president or other authorized officer and the chief fiscal officer of the charitable organization.

Sec. 274-D. Out of State organizations. Any charitable organization having its principal place of business without the State or organized under and by virtue of the laws of a foreign state, or which shall solicit contributions from people in this State, shall be deemed to have irrevocably appointed the Depart-

ment of Health and Welfare as its agent upon whom may be served any summons, subpoena, subpoena duces tecum or other process directed to such charitable organization, or any partner, principal, officer or director thereof, in any action or proceeding brought by the Attorney General under the provisions of sections 274-A to 274-D, inclusive.'

Sec. 2. R. S., c. 25, § 275, repealed. Section 275 of chapter 25 of the revised statutes is hereby repealed.