

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-seventh Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with subsection VI of section 27 of chapter 10 of the Revised Statutes of 1954.

KENNEBEC JOURNAL
AUGUSTA, MAINE
1955

PUBLIC LAWS
OF THE
STATE OF MAINE

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1955

more individuals in employment subject to the provisions of this chapter. For the purpose of this subsection, the two or more employing units mentioned in paragraph B or C or D of subsection IX of section 3 shall be treated as a single employing unit.

B. The Commission may upon its own motion terminate coverage of any employer when the Commission finds that there were no 20 different days, each day being in a different week within the preceding calendar year, within which such employing unit employed § 4 or more individuals in employment subject to the provisions of this chapter; and the Commission may, upon its own motion terminate the coverage of an employing unit which had become an employer by virtue of the provisions of subsection III of this section, as of January 1 of any calendar year when such employing unit has, by virtue of approval of its election to become a subject employer, been such a subject employer for the two or more preceding calendar years.'

Sec. 11. R. S., c. 29, § 19, sub-§ I-A, additional. Section 19 of chapter 29 of the revised statutes is hereby amended by adding after subsection I thereof, a new subsection to be numbered I-A, to read as follows:

'I-A. Penalty on past-due contributions. In the event quarterly contributions are not paid when due, the Commission shall assess a penalty of 5% of the amount of the contributions but such penalty shall not be less than \$5 nor more than \$100. The Commission may waive such penalty if it finds that the delay was occasioned by the illness or death of the person in charge of the records of the employing unit or by other unavoidable accident which shall excuse the employing unit from said penalty. Provided, however, an extension of time up to 30 days beyond the due date may be allowed by the Commission for good cause upon written request made on or before the due date.'

Effective August 20, 1955

Chapter 422

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 by any person or charitable organization for compensation or other consideration to solicit contributions for charitable purposes from persons in this State.

Sec. 274-B. License. No professional fund raiser and no professional solicitor 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. The Department shall grant such license whenever it shall be shown to its satisfaction that the person or organization requesting the license is reputable and responsible and has suitable facilities for applying the funds to the purpose for which they are to be solicited, and that the records of such funds and the purpose for which they are used will be properly and accurately kept. Such license shall be furnished to the licensee without fee or charge, and may be revoked by the Department whenever in its discretion it seems for the best interest of the public to do so.

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 president, secretary and treasurer and places where records will be kept; 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 application 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-C. 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 Department 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. 274-D. Enforcement and penalties. In the event that any solicitation is conducted without compliance with the terms of sections 274-A to 274-C, inclusive, the Department shall have the right to enjoin the solicitation and the person concerned shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months, or by both such fine and imprisonment.'

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

Effective August 20, 1955

Chapter 423

AN ACT Relating to Qualifications for Real Estate Brokers' Licenses.

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

R. S., c. 84, § 4, amended. The last sentence of section 4 of chapter 84 of the revised statutes is hereby repealed and the following enacted in place thereof:

'A license may be denied to any applicant who has been convicted of any crime involving moral turpitude.'

Effective August 20, 1955

Chapter 424

AN ACT Repealing Obsolete Highway Laws and Clarifying Project Completion Dates.

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

Sec. 1. R. S., c. 23, § 22, amended. Section 22 of chapter 23 of the revised statutes is hereby amended to read as follows:

'Sec. 22. Proceedings on damage claims. Whenever the Commission shall ~~alter, widen or~~ change the grade of any state or state aid highway as provided in this chapter, to the injury of an owner of adjoining land, he may within 6 months after completion of the work according to the records of the Commission apply to the Commission in writing for a determination and assessment of his damages; and if the Commission is unable to settle such damages at what it deems a reasonable amount, the Commission or interested parties may apply to