

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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1979

PUBLIC LAWS
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(2) Governing the expenditure of funds paid to the council under this section for travel out of State; to the extent possible, the rule shall be identical to rules governing such travel by State employees, provided that the rule shall require that the commissioner shall have the authority to approve or disapprove for conformance to the rule all the expenditures before they are made.

Sec. 2. 36 MRSA § 4571, sub-§ 5, as repealed and replaced by PL 1975, c. 554, § 7, is amended to read:

5. **Balance of funds.** The funds remaining over and above the expenses of carrying out this chapter, including the expenditures authorized under subsections 1, 1-A, 2, 3 and 4, shall not lapse, but shall be carried in a continuous carrying account to be expended for the purposes of this chapter.

Sec. 3. **Study authorized.** The Commissioner of Agriculture shall conduct a study of current and alternate procedures for electing and appointing grower members to the Maine Potato Commission. In conducting the study, the commissioner shall consult with others as is appropriate, including, but not limited to, the Maine Potato Commission, Maine Potato Council, Maine Potato Sales Association, Central Aroostook Young Farmers and Aroostook County Farm Bureau. The commissioner shall submit a description of the study, and any recommendations including drafts of proposed legislation, to the First Regular Session of the 109th Legislature.

Effective July 6, 1978

CHAPTER 654

AN ACT to Amend the Charitable Solicitations Act to Change the Responsibilities of Religious and Small Organizations.

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

Sec. 1. 9 MRSA § 5003, sub- § 9, 2nd sentence, as enacted by PL 1977, c. 488, § 1, is repealed and the following enacted in its place:

A bona fide salaried officer or employee of a charitable organization, including an employee of a parent organization, shall not be deemed to be a professional fund-raising counsel unless that person's salary or other compensation is computed on the basis of funds to be raised or actually raised or the services performed by the person are performed on behalf of some organization other than the one which employs that person or a chapter, branch or affiliate thereof.

Sec. 2. 9 MRSA § 5004, sub-§ 2, as enacted by PL 1977, c. 488, § 1, is repealed.

Sec. 3. 9 MRSA § 5005, sub-§ 1, ¶¶'s A and B, as enacted by PL 1977, c. 488, § 1, are amended to read:

A. The principal officer of every charitable organization registered pursuant to section 5004 and receiving more than ~~\$10,000~~ \$30,000 in gross contributions during the organization's fiscal year; and

B. Any chapter, branch or affiliate of a parent organization which receives, separate from contributions to the parent organization, more than ~~\$10,000~~ \$30,000 in gross contributions during its fiscal year.

Sec. 4. 9 MRSA § 5006, sub-§ 1, ¶ B, as enacted by PL 1977, c. 488, § 1, is repealed and the following enacted in its place:

B. A religious corporation, trust, society or organization incorporated or established for religious purposes, except to the extent that the organization engages in the solicitation of funds or sales of goods or services to the general public by means of advertisements, personal contacts, mailings or telephone contacts. The term advertisement shall not be construed to include public service announcements;

Sec. 5. 9 MRSA § 5006, sub-§ 1, ¶ D, as enacted by PL 1977, c. 488, § 1, is amended to read:

D. Charitable organizations which do not intend to solicit and receive and do not actually solicit or receive contributions from the public in excess of ~~\$2,000~~ \$10,000 during a calendar year or do not receive contributions from more than 10 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 which does not intend to solicit or receive contributions from the public in excess of ~~\$2,000~~ \$10,000 during a calendar year does actually solicit or receive contributions in excess of such amount, whether or not all such contributions are received during a calendar year, the charitable organization shall, within 30 days after the date of contributions reach ~~\$2,000~~ \$10,000, register with and report to the Secretary of State as required by this Act;

Sec 6. 9 MRSA § 5006, sub-§ 1, ¶ E, as enacted by PL 1977, c. 488, § 1, is amended to read:

E. Educational institutions, the curriculums of which in whole or in part are registered or approved by the Department of Educational and Cultural Services, either directly or by acceptance of accreditation by an accrediting body recognized by the Department of Educational and Cultural Services, ~~provided that such educational institutions file with the Secretary of State~~

~~duplicates of annual fiscal reports~~ and organizations operated by the student bodies of such institutions; and

Sec. 6-A. 9 MRSA § 5006, sub-§ 1, ¶ F, as enacted by PL 1977, c. 488, § 1, is amended to read:

F. Hospitals which are nonprofit and charitable ~~provided that a copy of the annual fiscal report is filed with the Secretary of State.~~

Sec. 7. 9 MRSA § 5006, sub-§ 2, first sentence, as enacted by PL 1977, c. 488, § 1, is amended to read:

Any charitable organization which claims to be exempt from the registration provisions of this Act and which intends to or does solicit charitable contributions shall submit ~~annually~~, to the Secretary of State, a statement of the name, address and purpose of the organization and a statement setting forth the reason for the claim for exemption.

Sec. 8. 9 MRSA § 5015, as enacted by PL 1977, c. 488, § 1, is repealed.

Effective July 6, 1978

CHAPTER 655

AN ACT Concerning the Number of Persons Required to be Covered by an Existing Group Health Insurance Policy for its Renewal or Replacement.

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

Sec. 1. 24-A MRSA § 2607, sub-§ 1, as enacted by PL 1969, c. 132, § 1, is amended to read:

1. The policy may be issued only if:

A. The association has been in existence for at least ~~5-4~~ years and was formed for purposes other than obtaining insurance; and

B. The participating employers, meaning such employer members whose employees are to be insured, constitute at date of issue at least ~~50%~~ 20% of the total employers eligible to participate, ~~unless the total number of persons covered at date of issue exceeds 600, in which event such participating employers must constitute at least 25% of such total employers, in either case~~