

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1999

Sec. 6. 12 MRSA §7406, sub-§2, as enacted by PL 1979, c. 420, §1, is repealed.

See title page for effective date.

CHAPTER 221

S.P. 714 - L.D. 2036

An Act to Prohibit Deceptive Charitable Solicitations

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

Sec. 1. 9 MRSA §5003, sub-§3, as enacted by PL 1977, c. 488, §1, is amended to read:

3. Commercial co-venturer. "Commercial co-venturer" ~~shall mean~~ means any person who, for profit or other commercial consideration, ~~shall conduct, promote, underwrite, arrange or sponsor~~ conducts, promotes, underwrites, arranges or sponsors a sale, performance, collection or sale of donated goods or event of any kind ~~which that~~ is advertised in conjunction with the name of any charitable organization. Any such person who will benefit in good will only ~~shall~~ may not be ~~deemed~~ considered a commercial co-venturer if the collection and distribution of the proceeds of the sale, performance or event are supervised and controlled by the benefiting charitable organization.

Sec. 2. 9 MRSA §5005, sub-§5 is enacted to read:

5. Proceeds from the solicitation of goods involving a commercial co-venturer. If a charitable organization employs a commercial co-venturer for the purpose of soliciting goods through the placement of containers in public places, that charitable organization shall file annually the following information:

A. The total money raised from contributions collected during the year; and

B. Out of the funds raised from contributions, the total dollars that have been or will be expended for:

- (1) Program services;
- (2) Payments to commercial co-venturers; and
- (3) Management.

Sec. 3. 9 MRSA §5012, as repealed and replaced by PL 1989, c. 55, §4, is amended by adding at the end a new paragraph to read:

A charitable organization that employs a commercial co-venturer to solicit goods through the placement of containers in public places shall post the disclosure required in this section in writing that is clearly visible to a person placing a contribution in the container.

Sec. 4. 9 MRSA §5012-A is enacted to read:

§5012-A. Deceptive practices in the solicitation of goods

A commercial co-venturer who is engaged in the solicitation of goods is guilty of a deceptive and prohibited practice if that commercial co-venturer charges a charitable organization a sum of money for the goods and the co-venturer's services in the collection of those goods that far exceeds the fair market value of those goods and services. Such an action constitutes a fraud against the charity and its donors. Fair market value may be established in any commercially acceptable fashion including a comparison of the amount paid for similar goods and services by a similar charity.

See title page for effective date.

CHAPTER 222

S.P. 584 - L.D. 1664

An Act to Clarify Basic Health Care Services to be Offered by Maine Health Maintenance Organizations

Emergency preamble. **Whereas**, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation is immediately necessary to ensure that health maintenance organizations and employers are able to vary particular coverages and copayment requirements to respond to particular needs and market factors; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 24-A MRSA §4202-A, sub-§1, as enacted by PL 1991, c. 709, §2, is amended to read:

1. Basic health care services. "Basic health care services" means health care services that an