

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
2004

Services must have the current market value of the nonfee interest determined through an estimate of value if the value is under \$1,000 or through an independent appraisal if the value exceeds \$1,000.

See title page for effective date.

CHAPTER 540

H.P. 1260 - L.D. 1738

An Act To Amend the Law Providing Restitution to Victims of Timber Theft

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

Sec. 1. 17 MRSA §2510, sub-§4, as enacted by PL 1997, c. 152, §3, is amended to read:

4. Restitution. The court shall inquire of the prosecutor or the owner of the property on which the tree was cut down or felled the extent of the owner's financial loss. With the owner's consent, the court shall order restitution when appropriate on the basis of an adequate factual foundation. The order of restitution must designate the amount of restitution to be paid and the person or persons to whom the restitution must be paid. Restitution ordered under this subsection is in addition to any forfeitures adjudged under subsection 2; except that at the request of the prosecutor, the court may suspend all or a portion of the forfeiture adjudged under subsection 2 and apply it to restitution to the property owner under this section.

Any restitution ordered and paid must be deducted from the amount of any judgment awarded in a civil action brought by the owner against the offender based on the same facts.

See title page for effective date.

CHAPTER 541

S.P. 623 - L.D. 1691

An Act To Strengthen the Charitable Solicitations Act

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

Sec. 1. 9 MRSA §5003, sub-§1, as amended by PL 1999, c. 386, Pt. A, §2, is further amended to read:

1. Charitable organization. "Charitable organization" means any person or entity, including any

person or entity organized in a foreign state, that is or holds itself out to be organized or operated for any charitable purpose or that solicits, accepts or obtains contributions from the public for any charitable purpose and by any means, including, but not limited to, personal contact, telephone, mail, newspaper advertisement, television or radio. Status as a tax-exempt entity does not necessarily qualify that entity as a charitable organization. A chapter, branch, area office or similar affiliate or any person soliciting contributions for any charitable purpose within the State for a charitable organization that has its principal place of business outside the State is considered a charitable organization for the purposes of this Act. For purposes of this chapter, an organization established for and serving bona fide religious purposes is not a charitable organization.

Sec. 2. 9 MRSA §5003, sub-§3, as amended by PL 1999, c. 221, §1, is amended to read:

3. Commercial co-venturer. "Commercial co-venturer" means any person who, for profit ~~or other commercial consideration~~, is regularly and primarily engaged in trade or commerce in this State, other than in connection with the raising of funds for charitable organizations or purposes, and who conducts, promotes, underwrites, arranges or sponsors a sale, performance, event or collection of and sale of donated goods or event of any kind that is advertised in conjunction with the name of any charitable organization. Any such person who will benefit in good will only may not be considered a commercial co-venturer if the collection and distribution of the proceeds of the sale, performance or event, or the collection and sale of donated goods, are supervised and controlled by the benefiting charitable organization.

Sec. 3. 9 MRSA §5003, sub-§4-B is enacted to read:

4-B. Department. "Department" means the Department of Professional and Financial Regulation.

Sec. 4. 9 MRSA §5003, sub-§9, as amended by PL 1977, c. 654, §1, is further amended to read:

9. Professional fund-raising counsel. "Professional fund-raising counsel" means any person who, ~~for a flat fixed fee under a written agreement or for a fee computed under a written agreement on the basis of funds actually raised or to be raised, or for any financial consideration of any kind or amount, plans, conducts, manages, carries on, advises or acts as a consultant, whether directly or indirectly, in connection with soliciting contributions for or on behalf of any charitable organization is retained, for compensation, by a charitable organization to plan, manage, advise or provide consultation services with respect to~~