

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**SECOND SPECIAL SESSION**  
**July 29, 2005**

**SECOND REGULAR SESSION**  
**January 4, 2006 to May 24, 2006**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 28, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 23, 2006**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2006**

A child is legally domiciled in this State if at least one of the child's parents or the child's legal guardian is legally domiciled in this State. A person with a developmental or other disability that prevents that person from obtaining a motor vehicle operator's license, registering to vote or filing an income tax return is legally domiciled in this State by living in this State.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 16, 2006.

## CHAPTER 494

H.P. 1274 - L.D. 1834

### An Act To Accommodate Victims of Identity Theft

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

**Sec. 1. 10 MRSA §1317, sub-§1,** as amended by PL 1981, c. 610, §8, is further amended to read:

**1. Agency procedures for corrections.** A consumer reporting agency shall adopt reasonable procedures to enable a consumer to correct any inaccurate information in ~~his~~ the consumer's file. For the purposes of this section, "inaccurate information" includes, but is not limited to, materially incomplete information within the scope of the report requested and information in the report that is the result of identity theft.

See title page for effective date.

## CHAPTER 495

S.P. 757 - L.D. 1967

### An Act To Support Fishing Derbies

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

**Whereas,** this legislation increases the amount of prize money that may be awarded for fishing derbies operated in conjunction with the fisheries management objectives of the Department of Inland Fisheries and Wildlife; and

**Whereas,** these derbies benefit charitable organizations; and

**Whereas,** this legislation needs to take effect prior to the fishing derby season; 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. 12 MRSA §12504, sub-§3, ¶B,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

B. Fixing the maximum total value of prizes that may be awarded at each derby or tournament, except that for a derby held on Sebago Lake in Cumberland County and in conjunction with the department's fisheries management objectives, the maximum total value of prizes may not exceed \$100,000.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 16, 2006.

## CHAPTER 496

S.P. 697 - L.D. 1780

### An Act Concerning Members of School Administrative Districts' Finance Committees

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

**Sec. 1. 20-A MRSA §1256, sub-§2,** as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

**2. Finance committee.** May elect a ~~3-member~~ finance committee ~~whose members shall be of 3 or more members who must be directors;~~

See title page for effective date.

## CHAPTER 497

S.P. 684 - L.D. 1767

### An Act To Clarify the Charitable Solicitations Act

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

**Sec. 1. 9 MRSA §5002**, as amended by PL 1999, c. 386, Pt. A, §1, is further amended to read:

**§5002. Intent**

It is the intent of the Legislature to require the registration and financial reporting of charitable organizations, professional solicitors, professional fund-raising counsel and commercial co-venturers and the registration and bonding of professional fund-raising counsel solicitors and commercial co-venturers and the registration of professional solicitors.

**Sec. 2. 9 MRSA §5003, sub-§3**, as amended by PL 2003, c. 541, §2, is further amended to read:

**3. Commercial co-venturer.** "Commercial co-venturer" means any person who, for profit, 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 a sale, performance, event or collection and sale of donated goods 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. Any such person whose annual contributions to charitable organizations do not exceed \$10,000 is exempt from the registration requirement under section 5002.

**Sec. 3. 9 MRSA §5003, sub-§4, ¶A**, as enacted by PL 1977, c. 488, §1, is amended to read:

A. Payments by members of an organization for membership fees, dues, fines or assessments, or for services rendered to individual members, if membership in the organization confers a bona fide right, privilege, professional standing, honor or other direct benefits, other than the right to vote, elect officers or hold offices; ~~or~~

**Sec. 4. 9 MRSA §5003, sub-§4, ¶B**, as enacted by PL 1977, c. 488, §1, is amended to read:

B. Money or property received from any governmental authority; or

**Sec. 5. 9 MRSA §5003, sub-§4, ¶C** is enacted to read:

C. Money or property received from a foundation established for charitable or educational purposes.

**Sec. 6. 9 MRSA §5004, sub-§1, ¶A**, as enacted by PL 1999, c. 386, Pt. A, §8, is amended to read:

A. Unless exempt pursuant to section 5006, a charitable organization, that intends to solicit, accept or obtain contributions in this State or to have contributions solicited, accepted or obtained on its behalf within this State shall file a registration statement with the office at least 30 days before ~~solicitation~~ soliciting, accepting or obtaining contributions in each year in which the organization is engaged in ~~solicitation activities~~ soliciting, accepting or obtaining contributions. The charitable organization shall identify any affiliate organizations or chapters on its registration statement.

**Sec. 7. 9 MRSA §5004, sub-§1, ¶C**, as enacted by PL 1999, c. 386, Pt. A, §8, is amended to read:

C. Before approval of its statement by the office in accordance with section 5008, a charitable organization that is required to file an initial registration statement or annual renewal statement may not solicit, accept or obtain contributions or have contributions solicited, accepted or obtained on its behalf by any other person, charitable organization, commercial co-venturer or professional solicitor, or participate in charitable sales promotion.

**Sec. 8. 9 MRSA §5004, sub-§4, ¶D**, as repealed and replaced by PL 2003, c. 541, §8, is amended to read:

D. The complete packet for renewal of registration application must include all the requirements identified in subsection 3 as well as the following:

(1) An audited financial statement, including federal Internal Revenue Service 990 and Schedule A forms or a 990 EZ form. Failure to file an audited financial statement of the organization's most recent audited fiscal year may be grounds for disciplinary action as provided under Title 10, section 8003, subsection 5. The office shall adopt rules governing the content of the audited financial statement. Rules adopted pursuant to this subparagraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A; and

(2) The nonrefundable fee for renewal of registration ~~plus the required filing fee for charitable organizations receiving more than \$30,000 in gross contributions.~~

**Sec. 9. 9 MRSA §5008, sub-§1**, as amended by PL 2003, c. 541, §12, is further amended to read:

**1. Registration.** A person or entity may not act as a professional solicitor, a professional fund-raising counsel or a commercial co-venturer before that person or entity has registered with the office. Applications for registration or reregistration must be in writing, under oath, in the form prescribed by the office and accompanied by an application fee and a registration fee. The application fee is nonrefundable. The applicant, except for applicants that are registering as professional fund-raising counsel, shall, at the time of making application for registration or reregistration, file with and have approved by the office a bond, in which the applicant must be the principal obligor and the State the obligee, in the sum of \$25,000, with one or more responsible sureties whose liability in the aggregate as such sureties at least equals that sum. The bond runs to any person or entity who may have a cause of action against the principal obligor of the bond for any malfeasance or misfeasance in the conduct of charitable solicitation in this State. Registration is for a period of one year.

**Sec. 10. 9 MRSA §5008, sub-§1-A, ¶C**, as enacted by PL 1999, c. 386, Pt. A, §16, is amended to read:

C. The complete application packet must include:

- (1) All forms required in this section;
- (2) A Except for professional fund-raising counsel, a bond approved by the department in the sum of \$25,000 with one or more responsible sureties whose liability in the aggregate as such sureties at least equals that sum. The bond must expire on the stated date of expiration and be kept on file in the office for 3 years; and
- (3) A \$200 renewal of registration fee.

**Sec. 11. 9 MRSA §5008, sub-§1-A, ¶D**, as amended by PL 2003, c. 541, §12, is further amended to read:

D. A professional solicitor, ~~professional fund-raising counsel~~ or commercial co-venturer who submits an application for renewal of registration ~~after the expiration date~~ must submit:

- (1) A bond in the sum of \$25,000 that expires on the stated date of expiration;
- (2) A renewal of registration fee; and
- (3) The completed ~~original~~ application.

**Sec. 12. 9 MRSA §5008, sub-§1-A, ¶G** is enacted to read:

G. A professional fund-raising counsel who is applying for a renewal of registration must submit:

- (1) A renewal of registration fee; and
- (2) A completed renewal application.

**Sec. 13. 9 MRSA §5017**, as enacted by PL 2003, c. 541, §18, is amended to read:

**§5017. Denial or refusal to renew registration**

The commissioner may deny or refuse to renew a registration under this chapter for fraud, misrepresentation or deception on an application or for violation of any provision of statute or rule adopted under this chapter.

See title page for effective date.

**CHAPTER 498**

**H.P. 1222 - L.D. 1715**

**An Act To Amend the Laws  
Governing Employees of the  
Workers' Compensation Board**

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

**Sec. 1. 2 MRSA §6-E, sub-§5, ¶B**, as repealed and replaced by PL 1999, c. 354, §1, is amended to read:

B. Deputy Director of Business Services, Range 85; ~~and~~

**Sec. 2. 2 MRSA §6-E, sub-§5, ¶C**, as repealed and replaced by PL 1999, c. 354, §1, is amended to read:

C. Deputy Director of Benefits Administration, Range 85; and

**Sec. 3. 2 MRSA §6-E, sub-§5, ¶E** is enacted to read:

E. Deputy Director of Information Management, Range 85.

See title page for effective date.