

## 9 §5004. LICENSURE OF CHARITABLE ORGANIZATIONS

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Charitable organizations must be licensed as follows. [2007, c. 402, Pt. A, §3 (AMD).]

**1. License applications by charitable organizations.** The following provisions govern license applications by charitable organizations.

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 license application with the office at least 30 days before soliciting, accepting or obtaining contributions in each year in which the organization is engaged in soliciting, accepting or obtaining contributions. The charitable organization shall identify any affiliate organizations or chapters on its license application. [2007, c. 402, Pt. A, §3 (AMD).]

B. A parent organization may file a consolidated license application for its affiliates, chapters and branches in this State and shall pay a single fee for such a consolidated license application. [2007, c. 402, Pt. A, §3 (AMD).]

C. Before issuance of a license by the office, a charitable organization that is required to file an initial license application or annual renewal application 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. [2009, c. 112, Pt. A, §1 (AMD).]

[2007, c. 402, Pt. A, §3 (AMD); 2009, c. 112, Pt. A, §1 (AMD).]

#### **2. Fee for registration statement.**

[1977, c. 654, §2 (RP).]

**2-A. Fee for license application.** Charitable organizations shall pay the application fee, initial fee and renewal fee as set under section 5015-A. The application fee is nonrefundable.

[2007, c. 402, Pt. A, §3 (AMD).]

**3. Content of license application.** A license application must be sworn to or affirmed by the principal officer of any charitable organization and must contain the following information, which must be updated within 10 days when any change occurs in the information filed:

A. The name of the organization and the purpose for which it was organized; [1977, c. 488, §1 (NEW).]

B. The principal address of the organization and the address of any offices in this State, or, if the organization does not maintain an office, the name and address of the person having custody of its financial records; [1977, c. 488, §1 (NEW).]

C. The names and addresses of any chapters, branches or affiliates in this State; [1977, c. 488, §1 (NEW).]

D. The place where and the date when the organization was legally established, the form of its organization and a reference to any determination of its tax-exempt status under the United States Internal Revenue Code; [1977, c. 488, §1 (NEW).]

E. The names and addresses of the officers, directors or trustees and the principal salaried executive staff officer; [1977, c. 488, §1 (NEW).]

F. A statement as to whether the organization intends to solicit contributions from the public directly or have such done on its behalf by others; [1977, c. 488, §1 (NEW).]

G. The name and address of any professional fund-raising counsel, professional solicitor or commercial co-venturer who acts or will act on behalf of the charitable organization and terms of remuneration of the counsel, solicitor or co-venturer; [1979, c. 678, §3 (AMD).]

H. A statement as to whether the organization is authorized by any other governmental authority to solicit contributions and whether it is or has ever been enjoined by any court from soliciting contributions; [1977, c. 488, §1 (NEW).]

I. The purpose or purposes for which the contributions to be solicited will be used; [2007, c. 402, Pt. A, §3 (AMD).]

J. [1999, c. 386, Pt. A, §11 (RP).]

K. The name or names under which it intends to solicit contributions; [1977, c. 488, §1 (NEW).]

L. The names of the individuals or officers of the organizations who will have final responsibility for the custody of the contributions; [1977, c. 488, §1 (NEW).]

M. The names of the individuals or officers of the organization responsible for the final distribution of the contributions; [1977, c. 488, §1 (NEW).]

N. The total amount of money received as contributions during the organization's preceding fiscal year and the dates of the fiscal year; and [2007, c. 402, Pt. A, §3 (AMD).]

O. [2007, c. 402, Pt. A, §3 (RP).]

P. A determination letter from the federal Internal Revenue Service, confirming the tax-exempt status of the charitable organization. [2003, c. 541, §7 (NEW).]

[ 2007, c. 402, Pt. A, §3 (AMD) .]

**4. Renewal of licensure as charitable organization.** The following provisions govern the application and qualifications for renewal of a license as a charitable organization.

A. A person or entity that holds a valid license must submit to the office a completed application for renewal prior to the date of expiration of the license. [2007, c. 402, Pt. A, §3 (AMD).]

B. An application for license renewal may not be considered until it is complete. If the application is incomplete, the applicant must include a letter documenting the specific reasons the application is incomplete. If that letter is not included, the incomplete application must be returned for completion. [2007, c. 402, Pt. A, §3 (AMD).]

C. A charitable organization that submits an application for renewal after the expiration date must include with the application:

- (1) A financial report covering the most recently audited fiscal year;
- (2) The filing fee and license renewal fee as set under section 5015-A; and
- (3) A completed application. [2007, c. 402, Pt. A, §3 (AMD).]

D. The complete packet for renewal of license 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. [ 2007, c. 402, Pt. A, §3 (AMD). ]

[ 2007, c. 402, Pt. A, §3 (AMD) . ]

SECTION HISTORY

1977, c. 488, §1 (NEW). 1977, c. 654, §2 (AMD). 1979, c. 678, §§3-5 (AMD). 1981, c. 456, §§A24,A25 (AMD). 1989, c. 55, §1 (AMD). 1991, c. 77, §1 (AMD). 1991, c. 714, §1 (AMD). 1999, c. 386, §§A9-12 (AMD). 2001, c. 323, §§1-3 (AMD). 2003, c. 541, §§5-8 (AMD). 2005, c. 497, §§6-8 (AMD). 2007, c. 402, Pt. A, §3 (AMD). 2009, c. 112, Pt. A, §1 (AMD).

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