HOUSE DOCKET, NO. 3243 FILED ON: 1/21/2011

HOUSE . . . . . No. 2704

The Commonwealth of Massachusetts

PRESENTED BY:

Theodore C. Speliotis

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act Relative To For-Profit Charitable Solicitation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Theodore C. Speliotis	*13th Essex*
William N. Brownsberger	☐ *[District]* ☐
James B. Eldridge	☐ *[District]* ☐
John D. Keenan	*7th Essex*
Thomas P. Kennedy	☐ *[District]* ☐
Steven L. Levy	*4th Middlesex*
George T. Ross	*2nd Bristol*
Thomas M. Stanley	*9th Middlesex*

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HOUSE . . . . . No. 2704

By Mr. Speliotis of Danvers, a petition (accompanied by bill, House, No. 2704) of Theodore C. Speliotis and others relative to the solicitation of charitable donations for profit. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

An Act Relative To For-Profit Charitable Solicitation.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 68 of the General Laws is hereby amended by inserting after Section 23 the following Section:

Section 23(a):

Any Person, Professional Fundraising Counsel, Professional Solicitor, or any party who solicits charitable donations for profit in any way, as defined in Section 18 of Chapter 68 of The General Laws, must comply with the guidelines of this Section if the final amount of money that the charity that they have contracted with receives is less than or equal to 40% of their total donations:

1. All for profit solicitors as defined by Section 18 of Chapter 68 of The General Laws shall keep recordings of all calls made or letters sent for the purpose of soliciting funds pursuant to Section 18. The recordings of the phone calls shall be kept on file with the company for a period of not less than 180 days. At any point during this 180 day period these recordings shall be subject to audit and inspection by the Attorney General's Office. Furthermore, all solicitors working pursuant to Chapter 68 of The General Laws shall be subject to civil liability pursuant to Chapter 93(A) of the General Laws for any violation of this Section.

2. Any solicitor certified under this Section 18 MUST state to any potential donor, either verbally or in writing, that they are "SOLICITING MONEY for Profit" and that they are "NOT AN EMPLOYEE of said Charity" or in any way a member of the charity for which they solicit funds. All solicitors working pursuant to Chapter 68 of The General Laws shall be subject to Civil Liability Pursuant to Chapter 93(A) of the General Laws for any violation of this Section

3. Any solicitor certified under this Section 18 who represents themselves, either verbally or in writing, to be a police officer, fireman, teacher, doctor, nurse, emergency medical

23 technician, clergy member, or any member of a charitable organization for which they have
24 contracted with shall be subject to civil penalties pursuant to 93(A), criminal prosecution
25 pursuant to Section 23 of Chapter 268 of The General Laws, or both.