Guiding Principles + Practices for Nonprofit Excellence in Maine
Addendum Regarding Legal Updates Since Publication
January 2018

This addendum lists legal updates and points of clarification for MANP's Guiding Principles + Practices for Nonprofit Excellence in Maine publications that were released in 2012, including the full Guide and the companion Basic Infrastructure Checklist.

The revisions below use the wording from the Basic Infrastructure Checklist.

- Additions are bolded
- Eliminations are noted by strikethrough

The page numbers for both the Checklist and the Guide have been provided, though the exact wording in the full Guide is slightly different.

Revisions by Section

Introduction (p2 Checklist)
- Link for US statutes has changed to http://uscode.house.gov/

Public Benefit + Accountability (p3 Checklist, p9 Guide)
- IRS Determination Letter and Forms 1023 or 1023-EZ, as well as Form 990 (and variants) for the last three years (on file and publicly available, 990 Schedule B redacted to maintain donor confidentiality) (US – 26 USC § 6104(d))

Strategic + Operational Planning (p3 Checklist, p19 Guide)
- Any material changes to organizational purpose and activities noted on next filed to the IRS Form 990 (US – 26 U.S.C. § 501(c)(3))

Governance + Leadership (p4 Checklist, p11 Guide)
- Proper notice of meetings sent to Board Directors and members (as applicable) for all meetings, in accordance with bylaws (ME – 13-B MRS §§ 603, 705).

Public Policy + Advocacy (p5 Checklist, p15 Guide)
- If conducted any campaigning or lobbying activities, or if made 501(h) election, report lobbying efforts and expenditures on Schedule C of Form 990

Financial Management (p7 Checklist, p23 Guide)
- Assets used solely for charitable mission of organization, no excess benefit Transactions, no commingling of funds with private individuals or entities (US – 26 USC §§ 501(c)(3), 4958)
- Reasonable executive compensation for all employees and consultants (US – 26 USC § 4958)
- Compliance with Unrelated Business Taxable Income law (US – 26 USC § 511)
- If receive Federal dollars, compliance with Office of Management and Budget (OMB) Circulars A-133, A-110 and A-122 Uniform Guidance. If expend more than $500,000 $750,000 in Federal funds for its operations, completion of a Single Audit.
Staff + Volunteer Management

Required if 1+ employee (p9 Checklist, p27 Guide)

- **Employee Polygraph Protection Act (US – 29 USC § 2001)**
- **Social Media Privacy Law (ME – 26 MRS §§ 615-619)**
- **Nursing Mothers Law (ME – 26 MRS § 604)**
- **Concealed Firearms in Vehicles Law (ME – 26 MRS § 600)**
- **Marijuana Users Nondiscrimination Law” (ME – 7 MRS § 2454(3))(effective February 2018)**
- Civil Rights Act of 1964 (Prohibits discrimination based on race, color, religion, sex, pregnancy, or national origin --may also apply to volunteers) (US-42 USC § 2000e et seq.)

Required if offering benefits (p9 Checklist, p27 Guide)

- **Health plan and benefits documentation compliance** – varies according to type of plan. (US – For 403(b) plans. See http://www.dol.gov/ebsa/403b.html) **For health plans and other benefits, see https://www.dol.gov/general/topic/health-plans/erisa.**

Required if 15+ Employees (p10 Checklist, p27 Guide)

- **Genetic Information Nondiscrimination Act (US – 42 USC § 2000ff)**

Fund + Resource Development (p13 Checklist, p29 Guide)

- Annual Maine charitable solicitations registration and Annual Fundraising Activity Report **(unless exemption applies or Exemption Form, if applicable)** (ME – 9 MRS §§5004, 5005-B, see § 5006 for exemptions) (Exemption filing no longer required as of 2013)
- Proof of registration for each contractual fundraising **Contracts with licensed professional solicitors** (ME – 9 MRS § 5005-B(3)).
- Written contracts with fundraising consultants **professional solicitors kept on file** (submit to state) (ME- 9 MRS § 5009). **(Loosened requirements as of 2013.)**
- Commercial co-venturers licensed if over $10,000 raised annually for a nonprofit (ME – 9 MRS § 5008). **(No longer required as of 2013.)**