

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 682

6
7 H.P. 479

House of Representatives, February 26, 1985

8 Reference to the Committee on Education is suggested and ordered
9 printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Nelson of Portland.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Require Disclosure of Gifts to
18 Institutions of Higher Learning
19 Received from Foreign Governments,
20 Foreign Corporations or Nonresident
21 Aliens.
22

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

25 20-A MRSA c. 429 is enacted to read:

26 CHAPTER 429

27 DISCLOSURE OF GIFTS

28 §12501. Definitions

29 As used in this chapter, unless the context indi-
30 cates otherwise, the following terms have the follow-
31 ing meanings.

1 1. Contract. "Contract" means an agreement for
2 the acquisition, by purchase, lease or barter, of
3 property or services for the direct benefit or use of
4 either of the parties.

5 2. Grant. "Grant" means a gift or donation of
6 money or property, or any combination of these, which
7 in any one year exceeds \$100,000 made by a nonresi-
8 dent alien, a corporation, foundation or association
9 whose principal place of business is not in the
10 United States, or by a foreign government or agency
11 or subdivision of a foreign government or an agent
12 registered under the Foreign Agents Registration Act,
13 United States Code, Title 22, sections 611 to 621,
14 when acting as an agent.

15 §12502. Reporting requirements

16 1. Notification; time period. Any post-secondary
17 institution which, during any calendar year, receives
18 a grant or enters into contracts whose aggregate val-
19 ue exceeds \$100,000 shall notify the commissioner
20 within 120 days of the receipt of that grant, or exe-
21 cution of that contract.

22 2. Notification; content. Each notification re-
23 quired by this section shall disclose the following
24 information:

25 A. The name and address of the donor of the
26 grant or the parties to the contract;

27 B. The amount and date of the grant or contract;

28 C. The subject of the grant or contract;

29 D. A detailed description of any condition im-
30 posed on the post-secondary institution by the
31 terms of the grant or contract; and

32 E. The name, title and qualifications of any
33 person or group whom the grant is explicitly in-
34 tended to benefit.

35 3. Notification; public record. All disclosures
36 pursuant to this section shall be public records,

1 open to public inspection and copying at the office
2 of the commissioner.

3 §12503. Enforcement

4 1. Rules. The commissioner may promulgate
5 rules, pursuant to Title 5, chapter 375, to further
6 the provisions of this chapter.

7 2. Action. The commissioner may enforce the
8 provisions of this chapter by bringing an action in
9 District Court or Superior Court.

10 3. Failure to report. If a post-secondary in-
11 stitution fails to report any grant or contract sub-
12 ject to this chapter, it shall be subject to a for-
13 feiture in an amount equal to 5% of that gift or con-
14 tract.

15 STATEMENT OF FACT

16 The purpose of this bill is to establish a re-
17 porting procedure for all gifts or contracts with an
18 aggregate annual value in excess of \$100,000 received
19 by any post-secondary institution.

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