

MAINE STATE LEGISLATURE

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L.D. 1176
(Filing No. H- 415)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
112TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 832, L.D. 1176, Bill, "AN ACT Relating to the Establishment of a Maine Children's Trust Fund."

Amend the bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 3 MRSA §507-B, sub-§4, ¶B, as enacted by PL 1983, c. 176, Pt. A, §1, is amended to read:

B. Agencies continued as modified by an Act of the Legislature are:

- (1) Board of Chiropractic Examination and Registration;
- (2) Board of Dental Examiners;
- (3) Board of Registration in Medicine;
- (4) State Board of Nursing;
- (5) State Board of Optometry;
- (6) Board of Osteopathic Examination and Registration;
- (7) Board of Commissioners of the Profession of Pharmacy;
- (8) Examiners of Podiatrists;
- (9) Governor's Committee on Employment of the Handicapped; ~~and~~
- (10) Division of Community Services; and

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1 (11) Board of the Maine Children's Trust
2 Fund.

3 Sec. 2. 5 MRSA §12004, sub-§8, ¶A, sub-¶(12-A)
4 is enacted to read:

5 (12-A) Human Services: Board of Expenses 22 MRSA
6 Child Protection the Maine Only §4083
7 Children's
8 Trust Fund

9 Sec. 3. 22 MRSA c. 1081 is enacted to read:

10 CHAPTER 1081

11 MAINE CHILDREN'S TRUST FUND

12 §4081. Definitions

13 As used in this chapter, unless the context indi-
14 cates otherwise, the following terms have the follow-
15 ing meanings.

16 1. Board. "Board" means the Board of the Maine
17 Children's Trust Fund.

18 2. Eligible organization. "Eligible organiza-
19 tion" means a nonprofit organization, local govern-
20 ment or public school system.

21 3. Fund. "Fund" means the Maine Children's
22 Trust Fund.

23 4. Prevention programs. "Prevention programs"
24 means programs, plans or training associated with the
25 prevention of child abuse, child neglect or mental
26 illness or with other factors associated with the
27 physical and emotional well-being of the youth of the
28 State, including strategies to alleviate problems as-
29 sociated with behavior prohibited by law, but not ad-

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1 judicated as a juvenile crime.

2 §4082. Maine Children's Trust Fund

3 1. Establishment. There is established the
4 Maine Children's Trust Fund. It shall receive money
5 deposited by the Treasurer of State pursuant to Title
6 36, section 5285.

7 2. Purpose. The purpose of the Maine Children's
8 Trust Fund is to provide a mechanism for voluntary
9 contributions by Maine taxpayers through an income
10 tax checkoff for funding of programs designed to pre-
11 vent abuse, neglect and mental illness among Maine
12 children. This funding is intended primarily to sup-
13 port local prevention programs which do not duplicate
14 other state-funded programs.

15 §4083. Board; establishment

16 1. Establishment. The Board of the Maine Chil-
17 dren's Trust Fund is established pursuant to Title 5,
18 section 12004, subsection 8.

19 2. Membership. The board shall consist of 9
20 public members appointed by the Governor. They shall
21 be appointed for terms of 3 years, except of those
22 first appointed, 3 shall be appointed for a term of 3
23 years, 3 shall be appointed for a term of 2 years and
24 3 shall be appointed for a term of one year. The
25 public members shall, as far as practicable, be rep-
26 resentative of the following groups: Parents; busi-
27 ness and labor; the legal community; the religious
28 community; and providers of child abuse and neglect
29 prevention services. Vacancies shall be filled by
30 the Governor for the remainder of the term vacated.

31 3. Officers. The Governor shall annually ap-
32 point one of the public members to serve as chairman
33 of the board. The board may elect, from among its
34 members, other officers and committees as it deems
35 appropriate.

1 4. Compensation. The members shall be compen-
2 sated according to the provisions of Title 5, chapter
3 379.

4 5. Meetings. The board shall meet at least once
5 annually and 5 members of the board shall constitute
6 a quorum.

7 6. Advice and consultation. The Commissioner of
8 Corrections, the Commissioner of Educational and Cul-
9 tural Services, the Commissioner of Human Services,
10 the Commissioner of Mental Health and Mental Retarda-
11 tion and the Commissioner of Public Safety shall,
12 upon request, provide the board with technical infor-
13 mation and advice.

14 §4084. Duties

15 The board shall have the following powers and du-
16 ties.

17 1. Plan. The board shall develop an annual, bi-
18 ennial state plan for the distribution of money in
19 the fund and distribute money in accordance with that
20 plan. In developing the plan, the board shall:

21 A. Review and evaluate existing prevention pro-
22 grams;

23 B. Assure that an equal opportunity exists for
24 the establishment of prevention programs and re-
25 ceipt of fund money among all geographic areas in
26 the State; and

27 C. Submit the plan to the Legislature annually.

28 2. Exchange of information. The board shall
29 provide for the coordination and exchange of informa-
30 tion on the establishment and maintenance of preven-
31 tion programs.

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1 3. Criteria for awarding grants. The board
2 shall develop rules and publicize criteria for award-
3 ing grants to eligible organizations.

4 4. Grants. The board shall review applications
5 for grants and shall approve applications which it
6 considers best addresses the purposes of the fund.

7 5. Review. The board shall review, approve and
8 monitor the expenditure of grants awarded pursuant to
9 this chapter.

10 6. Education. The board shall provide statewide
11 education and public information to develop public
12 awareness concerning child abuse, neglect and mental
13 illness.

14 7. Contracts. The board may enter into con-
15 tracts with public or private agencies or accept any
16 grants or gifts from any federal, state or private
17 source to carry out this chapter.

18 8. Recommendations. The board shall make recom-
19 mendations to the Governor and the Legislature con-
20 cerning changes in state laws, rules, programs or po-
21 licies which will reduce the problem of child abuse,
22 neglect and mental illness and improve coordination
23 among agencies that provide prevention services.

24 9. Rules. The board shall promulgate rules, in
25 accordance with the Maine Administrative Procedure
26 Act, Title 5, chapter 375, to carry out this chapter.

27 10. Staff. The board may employ, pursuant to
28 the Personnel Law, an executive secretary and a cler-
29 ical assistant as necessary full or part time.

30 §4085. Disbursement of fund money

31 1. Procedure. The board shall, by rule, estab-
32 lish a procedure and form for receipt of applications
33 under this chapter. Upon approval of an application,

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1 the board may disburse fund money to eligible organi-
2 zations for the development or operation of preven-
3 tion programs under this chapter.

4 2. Limit on disbursements. The board may not
5 expend the first \$100,000 of income to the fund each
6 year. The board may expend one half of the amount of
7 income each year which exceeds \$100,000, but which
8 does not exceed \$500,000. The board may not expend
9 the amount of income each year which exceeds
10 \$500,000. For purposes of this section, income in-
11 cludes interest attributed to the fund pursuant to
12 Title 36, section 5285. When the total amount of the
13 fund reaches \$4,000,000, contributions to the fund
14 shall cease, as provided in Title 36, section 5285,
15 and the expenditures by the board shall be limited to
16 the amount of interest credited annually to the fund.

17 §4086. Review

18 Beginning in 1987 and every odd numbered year
19 thereafter, this chapter shall be reviewed by the
20 joint standing committee of the Legislature having
21 jurisdiction over human resources which shall report
22 its findings together with any recommended legisla-
23 tion to the second regular session fo the Legisla-
24 ture.

25 Sec. 4. 36 MRSA §5285 is enacted to read:

26 §5285. Maine Children's Trust Fund; checkoff

27 1. Maine Children's Trust Fund. Taxpayers who,
28 when filing their returns, are entitled to a refund
29 under this Part may designate a portion of that re-
30 fund, to be paid into the Maine Children's Trust Fund
31 established in Title 22, chapter 1081. Each individ-
32 ual in substantially the following form: "Contribu-
33 tions to Maine Children's Trust Fund: () \$1, ()
34 \$5, () \$10 or () Other \$."

35 2. Contributions credited to the Maine Chil-

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1 dren's Trust Fund. The State Tax Assessor shall de-
2 termine annually the total amount contributed pursu-
3 ant to subsection 1. Prior to the beginning of the
4 next year, he shall deduct the cost of administering
5 the Maine Children's Trust Fund checkoff, but not ex-
6 ceeding \$2,000 annually, and report the remainder to
7 the Treasurer of State, who shall credit that amount
8 to the Maine Children's Trust Fund, which is estab-
9 lished in Title 22, chapter 1081. Interest earned by
10 contributions in the fund shall be credited to the
11 fund.

12 3. Limitation on contributions. When the total
13 amount of the fund reaches \$4,000,000, the State Tax
14 Assessor shall stop crediting contributions to the
15 fund and shall treat amounts designed by taxpayers as
16 if there had been no designation.

17 Sec. 5. Allocation. The following funds are al-
18 located from the Maine Children's Trust Fund to carry
19 out the purposes of this Act.

20 1986-87

21 MAINE CHILDREN'S TRUST FUND

22	Positions	(2)
23	Personal Services	\$25,000
24	All Other	2,500
25	Capital Expenditures	<u>1,000</u>
26	Total	\$28,500

27 Provides funds to employ a
28 part-time executive secre-
29 tary and clerical assist-
30 ant.

31 Sec. 6. Appropriation. The following funds are
32 appropriated from the General Fund to carry out the
33 purposes of this Act.

34 1985-86 1986-87

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1	<u>FINANCE AND ADMINISTRATION,</u>		
2	<u>DEPARTMENT OF</u>		
3	Bureau of Taxation		
4	All Other	\$2,000	\$2,000'

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1 STATEMENT OF FACT

2 The prevention of child abuse, child neglect,
3 mental illness and other factors related to the phys-
4 ical and emotional well-being of Maine youth are
5 desperately in need of comprehensive planning and the
6 systematic allocation of resources. The establish-
7 ment of the Maine Children's Trust Fund, initiated
8 and sustained through a voluntary contribution proce-
9 dure on state income tax refunds and administered
10 through an independent board, will ensure that these
11 pressing problems of Maine youth are systematically
12 addressed.

13 This amendment changes the membership of the
14 Board of the Maine Children's Trust Fund to include
15 only 9 public members appointed by the Governor. It
16 provides that appropriate department heads shall pro-
17 vide information to the board as requested. It per-
18 mits the board to employ 2 staff people to assist the
19 board with its duties. It removes state agencies
20 from those eligible to receive grants for the fund.
21 It also limits the amount that the board may expend
22 each year and provides a mechanism to allow a portion
23 of the contributions to the fund to accumulate so
24 that when the total of the fund reaches \$4,000,000,
25 contributions to the fund will cease and the fund
26 will become self-supporting.

27 In addition, this amendment makes several techni-
28 cal amendments for purposes of administrative clarity.
29

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Reported by the Committee on Taxation
Reproduced and distributed under the direction of the
Clerk of the House

6/13/85

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