

MAINE STATE LEGISLATURE

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L.D. 1698

(Filing No. H-597)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1226, L.D. 1698, Bill, "An Act to Create the Maine Family Development Foundation"

Amend the bill in the emergency preamble in the 5th indented paragraph in the first and 2nd lines (page 1, lines 17 and 18 in L.D.) by striking out the following: "are the victims of" and inserting in its place the following: 'affected by'

Further amend the bill in section 1 in that part designated "~~§19501.~~" by inserting after subsection 1 the following:

'2. Family. "Family" means one or more persons living in a social unit that provides a family member the essentials of life, such as food and shelter, and provides human development resources, such as nurturing, caring and support, both financial and otherwise.'

Further amend the bill in section 1 in that part designated "~~§19501.~~" by renumbering the subsections to read consecutively.

Further amend the bill in section 1 in that part designated "~~§19503.~~" by inserting at the end of the 2nd paragraph the following: 'At least 2 members of the executive board of directors and 10 members of the community leaders board shall be either adults who are responsible for family members affected by childhood disabilities, or adults who have been affected by child disabilities.'

Further amend the bill in section 1 in that part designated "~~§19504.~~" by striking out all of subsection 4 and inserting in its place the following:

1 '4. Compensation. The executive board of directors shall
2 set:

3 A. An amount for compensation for members of the board
4 which may not exceed the amount or per diem compensation for
5 legislators under Title 3, section 2; and

6 B. Reimbursement for expenses necessary to carry on the
7 work of the foundation which do not exceed the amount
8 permitted to appointed state officials under Title 5,
9 chapter 379.'

10 Further amend the bill in section 1 in that part designated
11 "§19506." in subsection 1 by inserting after paragraph A the
12 following:

13 'B. Employ an executive director through actions of the
14 executive board of directors to approve recruiting, hiring
15 and compensation, and, through actions of the executive
16 director, employ a development director and others as are
17 necessary to carry out its powers and duties.'

18 Further amend the bill in section 1 in that part designated
19 "§19506." in subsection 1 by relettering the paragraphs to read
20 consecutively.

21 Further amend the bill in section 1 in that part designated
22 "§19506." in subsection 2 in paragraph A by inserting at the end
23 the following:

24 '(4) Offering an institute for family development to
25 be available to municipal, State Government and Federal
26 Government legislative and executive branch policy
27 makers and managers; private sector leaders of
28 business, community, religious service clubs, volunteer
29 groups, and youth-serving activities; caregivers; and
30 professionals and workers with educational programs,
31 including training and experiential learning related to
32 government operations, the relationships between public
33 policies, budgetary matters, and child disabilities and
34 family life, and the value of investing in primary
35 prevention;'

36 Further amend the bill in section 1 in that part designated
37 "§19506." in subsection 2 in paragraph B in the first line by
38 inserting after the following: "Commission" the following: 'or
39 conduct'

40 Further amend the bill in section 1 in that part designated
41 "§19506." in subsection 2 in paragraph C in the 3rd line (page 7,
42 line 16 in L.D.) by striking out the following: "actions" and
43 inserting in its place the following: 'actions.'

1
2 Further amend the bill in section 1 in that part designated
3 "§19506." in subsection 2 in paragraph C in the 4th line (page 7,
4 line 17 in L.D.) by inserting after the following: "practices"
5 the following: 'or other activities conducted or assisted by such
6 governments'

7
8 Further amend the bill in section 1 in that part designated
9 "§19508." by inserting at the beginning of the first paragraph
10 the following new sentence:

11
12 'The liability of officers, directors, employees and other
13 agents of the foundation shall be the same as the liability of
14 other nonprofit corporations.'

15
16 Further amend the bill in section 1 in that part designated
17 "§19512." in subsection 2 in the last line (page 9, line 2 in
18 L.D.) by striking out the following: "State." and inserting in
19 its place the following: 'State, to be used for the general
20 purposes described in this chapter.'

21
22 Further amend the bill by inserting at the end of section 1
23 the following:

24
25 '§19514. Maine Children's Trust Fund

26
27 1. Establishment. Upon dissolution of the Maine Children's
28 Trust Fund board as provided in Title 22, chapter 1052, the Maine
29 Children's Trust Fund is transferred to the foundation. At that
30 time the executive board of directors of the foundation shall
31 administer the fund and grants previously made by the board of
32 the Maine Children's Trust Fund.

33
34 2. Use of funds. When the Maine Children's Trust Fund is
35 transferred to the foundation, it shall provide a mechanism for
36 voluntary contributions by Maine taxpayers through an income tax
37 checkoff for funding of programs pursuant to this chapter.
38 Funding from the income tax checkoff is intended primarily for
39 support of local prevention programs which do not duplicate
40 state-funded programs. No funding from the income tax checkoff
41 may be used for administrative costs.

42
43 3. Disbursement of funds. The Maine Children's Trust Fund
44 shall receive money deposited by the Treasurer of State pursuant
45 to Title 36, section 5285, or from any other source. Fifty
46 percent of the contributions received each year from whatever
47 source, unless otherwise conditioned by the contributor, shall be
48 placed in trust in order to develop a permanent endowment. The
49 other 50% shall be disbursed in small grants as set out in
50 subsection 4. Interest from the permanent endowment shall be
51 treated in the same manner as other contributions to the fund.
When the total amount of the permanent endowment reaches

1 \$4,000,000, the Maine Children's Trust Fund checkoff on the state
2 income tax form shall cease. At that time grants shall be made
3 from the income generated from interest on the endowment and from
4 any other source.

5
6 4. Grants awarded from fund. Grants awarded by the
7 foundation from the Maine Children's Trust Fund shall be awarded
8 in accordance with the principles set out in section 19502. The
9 following conditions also apply.

11 A. Grants shall be available to public or private agencies,
12 educational institutions, and individuals.

13
14 B. The grant-making process should be simple, in order to
15 encourage proposals from new and inexperienced applicants.

16
17 C. Grant funds shall be awarded in small amounts in order
18 to provide for wide geographic availability and a broad
19 variety of prevention programs.

20
21 D. Grants shall be awarded for programs to prevent abuse,
22 neglect and mental illness.

23
24 E. Noncompetitive grants may be awarded to local child
25 abuse councils in order to provide local assistance in
26 support of the development of community initiatives to
27 prevent abuse, neglect and mental illness among Maine
28 children.

29
30 **Sec. 2. 22 MRSA §3727 is enacted to read:**

31 **§3727. Termination of Maine Children's Trust Fund**

32
33
34 When, in any fiscal year, the Maine Family Development
35 Foundation, established in Title 5, chapter 511, has funds
36 available for its use equal to or exceeding \$200,000, the
37 executive board of the foundation shall notify the board of the
38 Maine Children's Trust Fund. Upon confirmation of this
39 condition, the board of the Maine Children's Trust Fund shall,
40 within 90 days of confirmation, transfer the assets of the fund
41 to the Maine Family Development Foundation and dissolve the
42 board. The Maine Children's Trust Fund shall remain a separate
43 fund and shall be administered by the foundation in accordance
44 with this section. The foundation shall be the legal successor
45 and assignee of the Maine Children's Trust Fund.

46
47 **Sec. 3. 36 MRSA § 5285, sub-§§1 and 2, as amended by PL 1987,**
48 **c. 402, Pt. A, §193, is further amended to read:**

49
50
51 **1. Maine Children's Trust Fund. Taxpayers who, when filing**
their returns, are entitled to a refund under this Part may
designate a portion of that refund, to be paid into the Maine

1 Children's Trust Fund established in Title 22, chapter 1052, or
2 its legal successor established in chapter 511. Each individual
3 in substantially the following form: "Contributions to Maine
4 Children's Trust Fund: () \$1, () \$5, () \$10 or () Other
5 \$."

7 2. Contributions credited to the Maine Children's Trust
8 Fund. The State Tax Assessor shall determine annually the total
9 amount contributed pursuant to subsection 1. Prior to the
10 beginning of the next year, he the State Tax Assessor shall
11 deduct the cost of administering the Maine Children's Trust Fund
12 checkoff, but not exceeding \$2,000 annually, and report the
13 remainder to the Treasurer of State, who shall credit that amount
14 to the Maine Children's Trust Fund, which is established in Title
15 22, chapter 1052, or its legal successor established in Title 5,
16 chapter 511. Interest earned by contributions in the fund shall
17 be credited to the fund.'

19 Further amend the bill by renumbering the sections to read
20 consecutively.

21 Further amend the bill by inserting before the statement of
22 fact the following:

25 **FISCAL NOTE**

27 When the Maine Children's Trust Fund is transferred to the
28 Maine Family Development Foundation, an allocation of those
29 dedicated revenues will be required.'

31 **STATEMENT OF FACT**

33 This amendment provides for the transfer of the Maine
34 Children's Trust Fund to the Maine Family Development Foundation
35 when the foundation has funds of at least \$200,000. It also
36 makes changes to clarify the status of the foundation as a
37 nonprofit corporation and to enable it to adequately perform its
38 functions.

41 This amendment also adds a fiscal note.

Reported by the Committee on Human Resources
Reproduced and distributed under the direction of the Clerk of the
House
6/16/89

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