

# MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "B" 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:

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

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

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

12       Further amend the bill in section 1 in that part designated  
14       "§19506." in subsection 1 by inserting after paragraph A the  
15       following:

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

22       Further amend the bill in section 1 in that part designated  
24       "§19506." in subsection 1 by relettering the paragraphs to read  
25       consecutively.

26       Further amend the bill in section 1 in that part designated  
28       "§19506." in subsection 2 in paragraph A by inserting at the end  
29       the following:

30       '(4) Offering an institute for family development to  
31       be available to municipal, state and federal  
32       legislative and executive branch policy makers and  
33       managers; private sector leaders of business,  
34       community, religious service clubs, volunteer groups,  
35       and youth-serving activities; caregivers; and  
36       professionals and workers with educational programs,  
37       including training and experiential learning related to  
38       government operations, the relationships among public  
39       policies, budgetary matters, and child disabilities and  
40       family life, and the value of investing in primary  
41       prevention;'

42       Further amend the bill in section 1 in that part designated  
44       "§19506." in subsection 2 in paragraph B in the first line (page  
45       7, line 5 in L.D.) by inserting after the following: "Commission"  
46       the following: 'or conduct'

48       Further amend the bill in section 1 in that part designated  
50       "§19506." in subsection 2 in paragraph C in the 3rd line (page 7,  
51       line 16 in L.D.) by striking out the following: "actions and" and  
52       inserting in its place the following: 'actions.'

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'

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:

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

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.'

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

24 '§19514. Maine Children's Trust Fund

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

34 2. Use of funds. After 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 that 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 receives money deposited by the Treasurer of State pursuant to  
45 Title 36, section 5285, or from any other source. Fifty percent  
46 of the contributions received each year from whatever source,  
47 unless otherwise conditioned by the contributor, must be placed  
48 in trust in order to develop a permanent endowment. The other  
49 50% must be disbursed in small grants as set out in subsection  
50 4. Interest from the permanent endowment must be treated in the  
51 same manner as other contributions to the fund. When the total  
52 amount of the permanent endowment reaches \$4,000,000, the Maine

2 Children's Trust Fund checkoff on the state income tax form must  
3 cease and grants must be made from the income generated from  
4 interest on the endowment and from any other source.

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

10 A. Grants are available to public or private agencies,  
11 educational institutions, and individuals.

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

14 C. Grant funds must be awarded in small amounts in order to  
15 provide for wide geographic availability and a broad variety  
16 of prevention programs.

17 D. Grants must be awarded for programs to prevent abuse,  
18 neglect and mental illness.

19 E. Noncompetitive grants may be awarded to local child  
20 abuse councils in order to provide local assistance in  
21 support of the development of community initiatives to  
22 prevent abuse, neglect and mental illness among Maine  
23 children.

24 Sec. 2. 22 MRSA §3727 is enacted to read:

25 **§3727. Termination of Maine Children's Trust Fund**

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

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

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

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

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

Further amend the bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1990-91

## MAINE FAMILY DEVELOPMENT FOUNDATION

### Family Development Foundation

All Other	\$1,081,800
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Provides funds to the Maine Family Development Foundation to carry out the provisions of this Act.'

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

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

### FISCAL NOTE

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

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**STATEMENT OF FACT**

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

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This amendment changes the appropriation and adds a fiscal note.

Reported by the Committee on Human Resources  
Reproduced and distributed under the direction of the Clerk of the House  
2/13/90