

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1698

H.P. 1226

House of Representatives, May 24, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads 'Ed Pert'.

EDWIN H. PERT, Clerk

Presented by Representative ROLDE of York.

Cosponsored by President PRAY of Penobscot, Speaker MARTIN of Eagle Lake and Senator BERUBE of Androscoggin.

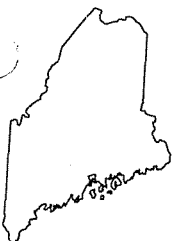
STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Create the Maine Family Development Foundation.

(AFTER DEADLINE)

(EMERGENCY)



1 developmental, health and juvenile justice problems; mental
3 illness; mental retardation; and physical or social disorders of
5 children, such as: alcoholism, low aspirations, child abuse and
7 neglect, drug abuse, family problems, handicaps, juvenile
9 delinquency, children in poverty, school dropouts, truancy, teen
11 pregnancy and teen suicide.

13 2. Primary prevention. "Primary prevention" means a
15 sustained purposeful process that enhances personal, family and
17 community social health by augmenting competencies and social
19 conditions that encourage positive human development of children,
21 adults and their families, and that strengthen the social aspects
23 of groups in their communities, such as peers, friends, school or
25 work.

27 **§19502. Foundation established**

29 The Maine Family Development Foundation is established to
31 encourage, enhance, support and carry on primary prevention of
33 several child disabilities through development of positive family
35 life and positive child development with resources available.

37 The foundation shall exist as a nonprofit corporation with a
39 public purpose, and the exercise by the foundation of the powers
41 conferred by this chapter shall be deemed and held to be the
43 performance of essential governmental functions.

45 **§19503. Governance**

47 The foundation shall be administered by an executive board
49 of directors, and shall be assisted by a community leaders
51 board. The executive board of directors shall administer the
foundation in accordance with the provisions of this chapter.

Members of each board shall be selected from outstanding
people in the fields of business, commerce, developmental
disabilities, early childhood development, education, development
of family life, finance, health, industry, infant development,
juvenile justice, labor, law, law enforcement, medical care,
mental health, mental retardation, municipal affairs, parenting,
primary prevention, poverty, professions and caregivers, public
officials, religious leaders, service clubs and organizations,
trade associations, volunteer and community leaders,
youth-serving programs and related fields. Members shall have an
unselfish and dedicated personal commitment to primary prevention
of child disabilities through development of positive family life
and positive child development that is demonstrated and
documented. To be qualified to serve, members of each board
shall be residents of different geographical areas of the State,
who have diverse experience, education, knowledge and expertise
relating to primary prevention of child disabilities through

1 development of positive family life and positive child
2 development.

3
4 **§19504. Executive board of directors**

5
6 1. Appointments and chair. The executive board of
7 directors shall consist of 15 members, including 5 appointed by
8 the Governor, 5 appointed by the President of the Senate and 5
9 appointed by the Speaker of the House of Representatives. The
10 chair and vice-chair of the executive board shall each be elected
11 to one-year terms by a 2/3 vote of members of the executive board
12 of directors present and voting at the foundation's annual
13 meeting which shall be held between September 1st and October
14 15th of each year. The initial appointments to the executive
15 board of directors shall be made within 30 days of the effective
16 date of this chapter.

17
18 2. Terms of office; vacancies. The term of office of
19 members of the executive board of directors shall be 3 years,
20 except for the first appointed directors. Of the first appointed
21 directors, directors appointed by the Governor shall serve terms
22 as follows: one director shall serve for 3 years, one director
23 shall serve for 2 years and 3 directors shall serve for one year;
24 directors appointed by the President of the Senate shall serve
25 terms as follows: 2 directors shall serve for 3 years, 2
26 directors shall serve for 2 years and one director shall serve
27 for one year; and directors appointed by the Speaker of the
28 House of Representatives shall serve terms as follows: 2
29 directors shall serve for 3 years, 2 directors shall serve for 2
30 years and one director shall serve for one year. The term of
31 office of each director shall be designated at the time of
32 appointment. Vacancies on the board shall be filled in the
33 following manner.

34
35 A. Upon expiration of the term of a member of the executive
36 board of directors, the director shall serve until a
37 successor is appointed and qualified. Directors shall be
38 eligible for reappointment for not more than one full
39 consecutive term. Any director may be removed from office
40 by the original appointing authority for good and just
41 cause, which shall be communicated to each director so
42 removed, and which just cause shall include excessive
43 absences from meetings of the executive board of directors.
44 Excessive absences shall be defined by the foundation in its
45 bylaws.

46
47 B. Any vacancy on the executive board of directors shall be
48 filled only for the remainder of the term by the appointing
49 authority who made the original appointment. Any vacancy on
50 the executive board of directors shall not affect its powers.

1 3. Meetings; quorum. The executive board of directors
3 shall meet at least once a month between September and June of
5 each 12-month period. Additional meetings may be held as
7 necessary and may be called and convened by the chair or any 4
9 qualified directors. Meetings shall be announced in advance and
11 open to the public. The foundation and the executive board of
13 directors are hereby defined as entities subject to the
15 provisions of Title 1, chapter 13, subchapter I. Seven directors
17 of the executive board shall constitute a quorum. No action may
19 be taken by the executive board of directors except by
21 affirmative vote of a majority of those directors present and
23 voting.

25 4. Compensation. Members of the executive board of
27 directors shall be entitled only to per diem compensation at the
29 rates for Legislators, and to reimbursement only for expenses
31 necessary to carry on the work of the foundation in accordance
33 with the provisions relating to appointed state officials.

35 §19505. Community leaders board

37 1. Board responsibilities. The community leaders board is
39 authorized, pursuant to future actions which may be adopted by
41 the executive board of directors, to assist the foundation with
43 education, resource development, advisory recommendations and
45 other appropriate matters. The community leaders board is not
47 and shall not be granted any powers and duties relating to the
49 operation of the foundation.

51 2. Appointments and chair. The community leaders board
53 shall consist of no more than 45 members nominated and appointed
55 by the executive board. The chair of the community leaders board
57 shall be nominated and appointed by the executive board. The
59 initial appointments to the community leaders board shall be made
61 within 90 days of the effective date of this chapter.

63 3. Terms of office; vacancies. The terms of office of
65 members of the community leaders board shall be 3 years, except
67 for the first appointed members. Of the first appointed members,
69 1/3 shall serve terms of 3 years, 1/3 shall serve terms of 2
71 years and 1/3 shall serve terms of one year. The term of each
73 member shall be designated at the time of appointment. Vacancies
75 on the board shall be filled in the following manner.

77 A. Upon expiration of the term of a member of the community
79 leaders board, the member may serve until a successor is
81 appointed and qualified. Any member may be removed from
83 office for good and just cause, which shall be communicated
85 to each member so removed, and which just cause shall
87 include excessive absences from meetings of the community
89 leaders board. Excessive absences shall be defined by the

1 foundation in its bylaws. Any vacancy on the community
3 leaders board shall be filled only for the remainder of the
term.

5 4. Meetings; quorum. The community leaders board shall
7 meet at least annually. Twenty-one members of the community
9 leaders board shall constitute a quorum. No action may be taken
11 by the community leaders board except by affirmative vote of a
13 majority of those members present and voting. Members shall
15 serve without compensation or reimbursement for expenses.

17 §19506. Powers and duties

19 In order to strengthen family life and expand measures to
21 prevent childhood disorders, the foundation has the following
23 powers and duties to encourage, enhance, support, participate in
25 and carry on endeavors to attain primary prevention of child
27 disabilities through development of positive family life and
29 positive child development.

31 1. Powers. The foundation may:

33 A. Apply for, receive and manage funds from any private
35 source or governmental entity, including, but not limited
37 to, awards, donations, grants, loans, appropriations or
39 allocations of private, state or federal resources,
41 including government seed funds or by any other manner;

43 (1) Management of these funds is authorized to be
45 segregated into program operations and accounts as may
47 be necessary to conduct and account for specific
49 programs and into an administration account as is
51 necessary to manage the foundation;

(2) Funds received from any source may be augmented by
funds received from another source such as the private
sector;

B. Provide services to private or public entities and
charge fees for these services as it may deem appropriate;

C. Purchase, receive, hold or lease and operate, manage,
license and sell, convey, transfer, grant or lease real and
personal property, together with such rights and privileges
as may be incidental and appurtenant to the property and its
use;

D. Make all expenditures and incur any obligations
reasonably required in the exercise of prudent business
principles to secure possession of, preserve, maintain,
insure and improve real and personal property or interests
therein acquired by the foundation;

1
3 E. Acquire, subscribe for, own, hold, sell, assign,
5 transfer, mortgage or pledge the stock, shares, bonds,
7 debentures, notes or other securities and evidences of
9 interest in or indebtedness of any firm, corporation, joint
stock company, partnership, association or trust, and while
the owner or holder thereof, exercise all the rights, powers
and privileges of ownership, including the right to vote
thereon;

11 F. Mortgage, pledge or otherwise encumber any property
13 right or thing of value acquired pursuant to the powers
contained in paragraphs A to E;

15 G. Make contracts, including contracts for services, and
17 incur liabilities for any of the purposes authorized in the
contracts;

19 H. Borrow money for any of the purposes authorized in this
21 chapter; incur debt and secure the same by mortgage, pledge,
23 deed of trust or other lien on its property, rights and
privileges of every kind and nature, or any part thereof, or
interest therein;

25 I. Sue or be sued in its own name;

27 J. Cooperate with and avail itself of the services of
29 private or governmental agencies, the University of Maine
31 System, or people who are experienced or experts in this
field; and

33 K. Adopt bylaws consistent with this chapter for the
35 governance of its affairs, have the general powers accorded
corporations under Title 13-B, section 202, and do all other
things necessary or convenient to carry out the lawful
purposes of the foundation.

37 **2. Duties. The foundation shall:**

39 A. Educate the public, groups and organizations about the
41 current status of primary prevention, child disabilities,
43 family life and child development by:

45 (1) Collecting and disseminating information and
reports;

47 (2) Offering or teaching classes, courses and
49 curricula in and outside of schools, colleges, and
vocational and other learning situations; and

51 (3) Providing public forums, including public
hearings, sponsorship of conferences, workshops,

1 seminars, and other such meetings to discuss, publicize
3 and obtain information about the needs for, and
 application of, primary prevention approaches;

5 B. Commission the performance and publication of analyses,
7 findings, studies or basic and applied research which shall
 include analyzing opportunities to develop and propose new
9 ideas and approaches, identifying and promoting
 opportunities for private and business investment of
11 resources, identifying and assessing effective activities in
 other states, and replicating effective demonstration or
 model projects;

13 C. Review and evaluate on a continuing basis the impact and
15 results of local, state and federal government laws,
17 policies, rules, budgetary actions and administrative
 practices on development of family life, socially healthy
19 children and the primary prevention of child disabilities;

21 D. Advise, consult and assist the executive and legislative
 branches of government and the Governor on activities of
23 government, such as local, state and federal plans,
 policies, programs or financial matters;

25 E. Advise, consult and assist private sector community
27 groups, private organizations and businesses on augmenting
 their primary prevention competencies and social conditions,
29 and enhancing private sector, voluntary, community and
 youth-serving partnerships; and

31 F. Administer a grant program to promote and financially
33 assist primary prevention of child disabilities through
 positive family life and positive child development.

35 **§19507. Limitation of powers**

37 The foundation, notwithstanding this chapter, shall have no
39 power or authority to enter into contracts, obligations or
 commitments of any kind on behalf of the State or any of its
41 agencies, nor shall it have the power of eminent domain or any
 other power not provided to corporations generally. Notes and
43 other evidences of indebtedness of the foundation shall not in
 any way be a debt or liability of the State or constitute a
45 pledge of the faith and credit of the State.

47 **§19508. Liability of officers; directors**

49 All officers, directors, employees and other agents of the
 foundation entrusted with the custody of assets or securities of
51 the foundation or authorized to disburse the funds of the
 foundation shall be bonded, either by a blanket bond or by
 individual bonds, with a surety bond or bonds with a minimum

1 limitation of \$100,000 coverage for each person covered,
2 conditioned upon the faithful performance of their duties. The
3 premiums for the bonds shall be paid out of the resources of the
4 foundation.

5 **§19509. Prohibited interests of officers, directors and employees**

6
7
8 No officer, executive board director or employee of the
9 foundation or their spouses or dependent children may receive any
10 direct personal benefit from the activities of the foundation in
11 assisting any private entity. This provision shall not prohibit
12 corporations or other entities with which an officer or director
13 is associated by reasons of ownership or employment from
14 participating in activities with the foundation, provided that
15 the ownership or employment is made known to the executive board
16 of directors and the officer or director abstains from voting on
17 matters relating to that participation. This prohibition does
18 not extend to corporators who are not officers or members of the
19 executive board of directors of the foundation.

20 **§19510. Donations to foundation**

21
22 The State, through the Governor, may accept donations,
23 bequests, devises, grants or other interests of any nature on
24 behalf of the foundation and transfer these funds, property or
25 other interests to the foundation.

26 **§19511. Annual report; audit**

27
28 The foundation shall provide an annual report and an
29 independent audit of its activities to the Governor, the
30 Legislature and its corporators. The foundation shall be subject
31 to further audit and review as deemed necessary by the Governor
32 or the Department of Audit at the expense of the State.

33 **§19512. General conditions; dissolution**

34
35
36 The Maine Family Development Foundation shall operate as a
37 nonprofit organization consistent with its composition and broad
38 public purposes. The following conditions shall apply to the
39 operation or dissolution of the foundation.

40
41
42 **1. Net earnings of foundation.** No part of the net earnings
43 of the foundation may inure to the benefit of any corporator,
44 officer, director or employee except that the foundation shall be
45 authorized and empowered to pay reasonable compensation for
46 services rendered, and otherwise hold, manage and dispose of its
47 property in furtherance of the purposes of the foundation.

48
49
50 **2. Dissolution of foundation.** Upon dissolution of the
51 foundation, the executive board of directors shall, after paying
or making provision for the payment of all liabilities of the

1 foundation, cause all of the remaining assets of the foundation
2 to be transferred to the State.

3 **§19513. Liberal construction**

5 This chapter shall be construed liberally to effect the
6 interest and purposes of the foundation to improve primary
7 prevention of child disabilities through development of positive
8 family life and child development and shall be broadly
9 interpreted to effect such intent and purposes and not as a
10 limitation of powers.

11
12 **Sec. 2. Appropriation.** The following funds are appropriated
13 from the General Fund to carry out the purposes of this Act.

	1989-90	1990-91
Maine Family Development Foundation		
All Other	\$1,081,800	\$950,200

19
20
21 **Emergency clause.** In view of the emergency cited in the
22 preamble, this Act shall take effect when approved.

23
24
25 **STATEMENT OF FACT**

26
27 This bill establishes the Maine Family Development
28 Foundation as a private, nonprofit corporation with the purpose
29 of preventing child disabilities through strengthening family
30 life and promoting the social health of children.

31
32 To attain that purpose, the foundation is authorized to
33 perform education, research, studies and public and private
34 partnerships with business, private enterprise, schools and a
35 host of community-level service organizations. In addition to
36 seeking private resources, appropriations are provided to make
37 grants to local and regional groups which wish to conduct
38 prevention projects.