

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1535

S.P. 509

In Senate, May 24, 1993

**An Act to Expand Opportunities for School-to-work Transition Services
Utilizing the Jobs for Maine's Graduates Model.**

(EMERGENCY)

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator HANDY of Androscoggin. (GOVERNOR'S BILL).
Cosponsored by Representative LIBBY of Buxton and
Senators: DUTREMBLE of York, PARADIS of Aroostook, Representatives: AIKMAN of
Poland, AULT of Wayne.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** the State needs a well-educated and skilled work
force to be competitive in a changing and challenging global
economy; and

8
10 **Whereas,** during the last 20 years, there has been a
significant shift toward high-skilled jobs requiring education
beyond high school and at minimum a high school diploma; and

12
14 **Whereas,** the United States of America is the only major
industrialized nation that lacks a formal system to help youth
make the transition from school to work or higher education; and

16
18 **Whereas,** the State must meet the challenge of ensuring a
skilled work force by creating a formal program to facilitate
this important transition; and

20
22 **Whereas,** Jobs for Maine's Graduates is a program currently
providing those services in 20 high schools in this State, with
more than 35 additional schools expressing an interest in this
sort of program; and

24
26 **Whereas,** it is necessary to have school expansion sites,
plans and local site selection occur by July 15, 1993, for these
new sites to ensure training in model delivery; and

28
30 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
safety; now, therefore,

32
34
36 **Be it enacted by the People of the State of Maine as follows:**

38 **Sec. 1. 20-A MRSA c. 226 is enacted to read:**

40 **CHAPTER 226**

42 **JOBS FOR MAINE'S GRADUATES**

44 **§6901. Establishment**

46 Jobs for Maine's Graduates, referred to in this chapter as
the "corporation," is established to extend necessary dropout
prevention and school-to-work transition services to schools and
students throughout the State. The corporation shall carry out
its purposes in coordination with the education and job training
activities of the private sector, community and regional agencies
and State Government.

2 The corporation is a private, nonprofit corporation with a
4 public purpose under the United States Internal Revenue Code,
6 Section 501(c)(3) and the exercise by the corporation of the
 powers conferred by this chapter is held to be an essential
 government function.

8 **§6902. Duties**

10 Jobs for Maine's Graduates is authorized and directed to
12 provide services to the State and to quasi-public, public and
14 private entities and to assist students in making the transition
 from school to work. The corporation shall:

16 1. Graduation. Help keep students in high school through
 graduation;

18 2. Quality jobs. Render 9 months of intensive assistance
20 and follow-up activities to assure student placement in quality
 jobs with ample career opportunities;

22 3. Postsecondary education. Encourage students to pursue
24 postsecondary education by assisting in securing appropriate
 part-time work to accompany that education;

26 4. Lifelong learning. Encourage lifelong learning by
28 introducing students to the importance of skills training and
30 demonstrating how learning is relevant to skills necessary in the
 workplace;

32 5. Youth apprenticeship. Assist schools and private sector
34 corporations in the development of youth apprenticeship systems
 to connect more closely schools and the workplace; and

36 6. Other. Engage in other activities designed by its board
 of directors and consistent with this chapter.

38 **§6903. Board of directors and officers**

40 The Board of Directors of Jobs for Maine's Graduates
42 consists of 17 private sector directors representing private
44 businesses and labor organizations in the State; 14 public sector
46 directors, representing public or quasi-public educational
48 entities; and 2 ex officio directors, representing the
50 Commissioner of Labor and the Commissioner of Education. The
 membership of the board must be representative of geographic
 diversity and gender balance. Each voting director is entitled
 to one vote. In addition, the executive director shall attend
 and participate in board meetings but is not entitled to a vote.

52 1. Chair; vice-chair; treasurer. The chair and vice-chair
 of the board of directors and the treasurer of the corporation

2 must be chosen from among the members. The chair must be elected
3 from among the private sector board members.

4 2. Executive director. The board of directors shall
5 appoint the Executive Director of Jobs for Maine's Graduates, who
6 is a nonvoting member of the board of directors. The executive
7 director may not be appointed from among the other directors.
8 The executive director serves as the director of the corporation
9 and may be removed by the board for cause.

10 3. Terms of membership. The Governor shall appoint the
11 initial board of directors. Members of the board of directors
12 serve for a term of 4 years, except that no more than 8 members'
13 terms may expire in any one calendar year. To comply with this
14 limitation, the Governor shall make appointments to the initial
15 board for terms of fewer than 4 years.

16 As terms of board members expire, the board of directors, except
17 for the ex officio members, shall elect new members who serve at
18 the pleasure of the Governor. Upon expiration of a member's term
19 the member serves until a successor is qualified and appointed.
20 A vacancy in the board must be filled by appointment of a person,
21 qualified in the same way as the board member being replaced, to
22 complete the unexpired term of that board member.

23 4. Meetings; quorum. The board of directors shall meet at
24 least twice a year at the call of the chair to conduct its
25 business and elect its officers. Additional meetings may be held
26 as necessary to conduct the business of the board of directors
27 and may be convened at the call of the chair or a majority of the
28 board members. Sixteen members of the board constitute a quorum
29 for all purposes.

30 **§6904. General powers**

31 Jobs for Maine's Graduates is empowered to:

32 1. Suit. Sue or be sued in its own name;

33 2. Application for and receipt of funds. Apply for and
34 receive funds from any private source, foundation or governmental
35 entity, whether by way of grant, donation, loan or any other
36 manner;

37 3. Educational and school-to-work transition services;
38 fees. Provide services to public or private entities to assist
39 in job training and education efforts in the development of
40 school-to-work transition services in the State and to charge
41 fees for those services as it determines appropriate.

42 4. Real and personal property. Purchase, receive, hold,
43 lease, acquire by foreclosure, operate, manage, license, sell,

2 convey, transfer, grant or lease real and personal property
4 together with those rights and privileges that may be incidental
6 and appurtenant thereto and the use thereof, including, but not
8 restricted to, any real or personal property acquired by the
10 corporation from time to time in the satisfaction of debts or
12 enforcement of obligations;

14 **5. Expenditures and obligations regarding real and personal**
16 **property.** Make all expenditures and incur any obligations
18 reasonably required in the exercise of sound business principles
20 to secure possession of, preserve, maintain, insure and improve
22 real and personal property and interests in that property
24 acquired by the corporation;

26 **6. Securities.** Acquire, subscribe for, own, hold, sell,
28 assign, transfer, mortgage or pledge the stock, shares, bonds,
30 debentures, notes or other securities and evidences of interest
32 in or indebtedness of any person, firm, corporation, joint stock
34 company, partnership, association or trust, and, while the owner
36 and holder thereof, exercise all the rights, powers and
38 privileges of ownership, including the right to vote thereon;

40 **7. Encumbrance of property.** Mortgage, pledge or otherwise
42 encumber any property right or thing of value acquired pursuant
44 to the powers contained in subsection 4, 5 or 6 as security for
46 the payment of any part of the purchase price of the property
48 right or thing of value;

50 **8. Contracts and liabilities.** Make contracts, including
52 contracts for services, and incur liabilities for any of the
54 purposes authorized in those contracts;

56 **9. Debt.** Borrow money for any of the purposes authorized
58 in this chapter, incur debt, including the power to issue its
60 bonds, debentures, notes or other evidences of indebtedness,
62 whether secured or unsecured; and secure the same by mortgage,
64 pledge, deed of trust or other lien on its property, rights and
66 privileges of every kind and nature, or any part thereof, or
68 interest therein; and

70 **10. Cooperation with agencies and organizations.** Cooperate
72 with governmental agencies, the University of Maine System and
74 the Maine Technical College System; and cooperate, assist and
76 otherwise encourage organizations, local or regional, private or
78 public, in the communities of the State in the promotion,
80 assistance and development of school-to-work transition systems,
82 youth apprenticeship and job training systems in communities and
84 the State.

86 **§6905. Adoption of bylaws**

2 The corporation shall adopt bylaws consistent with this
3 chapter for the governance of its affairs and has the general
4 powers accorded corporations under Title 13-A, section 202. The
5 corporation shall do all things necessary or convenient to carry
6 out the lawful purposes of the corporation under this chapter.

7 **§6906. Limitation of powers**

8
9 The corporation may not enter into contracts, obligations or
10 commitments of any kind on behalf of the State or any of its
11 agencies, nor may it have the power of eminent domain or any
12 other power not provided to business corporations generally.
13 Bonds, notes and other evidences of indebtedness of the
14 corporation may not in any way be a debt or liability of the
15 State or constitute a pledge of the faith and credit of the State.

16 **§6907. Liability of officers, directors and employees**

17
18 All officers, directors, employees and other agents of the
19 corporation entrusted with the custody of the securities of the
20 corporation or authorized to disburse the funds of the
21 corporation must be bonded, either by a blanket bond or by
22 individual bonds, with a surety bond or bonds with a minimum
23 limitation of \$100,000 coverage for each person covered,
24 conditioned upon the faithful performance of duties, the premiums
25 for which are paid out of the assets of the corporation.

26 **§6908. Prohibited interests of officers, directors and employees**

27
28 Officers, directors or employees of the corporation or their
29 spouses or dependent children may not receive any direct personal
30 benefit from the activities of the corporation in assisting any
31 private entity. This provision does not prohibit corporations or
32 other entities with which an officer or director is associated by
33 reasons of ownership or employment from participating in
34 school-to-work transition activities of the corporation, provided
35 that the ownership or employment is made known to the board of
36 directors and, if applicable, the officer or director abstains
37 from voting on matters relating to that participation.

38 **§6909. Donations to the State**

39
40 The State, through the Office of the Governor, may accept
41 donations, bequests, devises, grants or other interests of any
42 nature on behalf of Jobs for Maine's Graduates and transfer those
43 funds, property or other interests to the corporation.

44 **§6910. Annual report**

45
46 The corporation shall provide an annual report of its
47 activities to the Governor; to the joint standing committees of
48 the Legislature having jurisdiction over education and labor and
49

2 skills training matters; and to the schools participating in the
3 program. The corporation is subject to any audit and review
4 determined necessary by the Governor or the Legislative Council
5 at the expense of the State.

6 **§6911. General conditions; dissolution**

8 The Jobs for Maine's Graduates shall operate as a nonprofit
9 organization consistent with its composition and broad public
10 purposes. The following conditions apply to the operation or
11 dissolution of the corporation.

12
13 **1. Net earnings.** No part of the net earnings of the
14 corporation may inure to the benefit of any officer, director or
15 employee except that the corporation may pay reasonable
16 compensation for services rendered and otherwise hold, manage and
17 dispose of its property in furtherance of the purposes of the
18 corporation.

19 **2. Dissolution.** Upon dissolution of the corporation, the
20 dissolved corporation shall transfer all unexpended General Fund
21 appropriations to the State before paying or making provision for
22 the payment of all other liabilities.

24 **§6912. Liberal construction**

26
27 This chapter may be construed liberally to effect the
28 interest and purpose of the corporation for an improved and
29 expanded school-to-work and skills training system in the State
30 and may be broadly interpreted to effect the corporation's intent
31 and purpose and not as a limitation of powers.

32
33 **Emergency clause.** In view of the emergency cited in the
34 preamble, this Act takes effect when approved.

36
37 **STATEMENT OF FACT**

38
39 The bill establishes Jobs for Maine's Graduates, a private,
40 nonprofit corporation, under the United States Internal Revenue
41 Code, Section 501(c)(3), enumerates its duties and sets forth the
42 general powers of the corporation. The corporation will be built
43 on the successful model that has already provided school-to-work
44 transition efforts at low cost to thousands of students in Maine
45 and hundreds of thousands of students nationally.

46
47 The purpose of this bill is to allow for better delivery of
48 dropout prevention services and school-to-work transition
49 services in the State using the Jobs for America's Graduates
50 school-to-work transition model, with the following goals:

- 2 1. To keep students in high school through graduation;
- 4 2. To render 9 months of intensive assistance and follow-up
to ensure student placement in quality jobs with ample career
opportunities;
- 6 3. To encourage entry into postsecondary education by
8 assisting in securing appropriate part-time work in conjunction
with education; and
- 10 4. To result in a 90% graduation rate.

12 Currently, the Jobs for Maine's Graduates program is serving
14 students in 20 schools; more than 35 additional schools have
expressed interest in establishing this sort of program.

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