

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

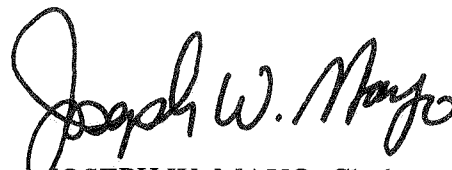
No. 1645

H.P. 1168

House of Representatives, March 24, 1997

An Act to Establish the Maine Franco-American Center in Bangor.

Reference to the Committee on Business and Economic Development suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative BROOKS of Winterport.
Cosponsored by Senator PARADIS of Aroostook and
Representatives: BAKER of Bangor, CAMPBELL of Holden, DONNELLY of Presque Isle,
LaVERDIERE of Wilton, SAXL of Bangor, Senators: CATHCART of Penobscot,
MICHAUD of Penobscot, RUHLIN of Penobscot.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 10 MRSA c. 106-A is enacted to read:

CHAPTER 106-A

MAINE FRANCO-AMERICAN CENTER

§912. Establishment

The Maine Franco-American Center, referred to in this chapter as the "center," is established in the City of Bangor to increase the State's trade with French-speaking countries. The purpose of the center is to provide and enhance trade opportunities with French-speaking countries in coordination with the economic development activities of the State's private sector, community and regional agencies and State Government.

The center is a private nonprofit corporation with a public purpose, and the exercise by the center of the powers conferred by this chapter is considered an essential governmental function.

§912-A. Duties

The center shall provide a base level of services without regard to membership in the center and enhanced services as the center's board of directors directs, to private entities, individuals, the State and quasi-public and public entities. The center shall encourage and assist the growth of the State's economic activities with French-speaking countries in the following ways.

1. Forum. The center shall provide a continuing forum for the exchange of expertise, ideas and innovations between the public and private sectors.

2. Education. The center shall offer quality education and technical services to businesses in the State that compete or seek to compete in worldwide markets.

3. Development of programs. The center shall act as a catalyst in the development and coordination of programs with French-speaking countries.

4. Public policy. The center shall underscore the importance of trade with French-speaking countries as a priority of public policy to enhance public appreciation of the relevance of the economy.

2 5. Information. The center shall provide information
concerning trade and policy with French-speaking countries.

4
6 6. Infrastructure. The center shall support the
development and availability of an overall infrastructure
conducive to business. The center shall serve as the
8 headquarters for the national chapter of the Francophone business
forum.

10
12 7. Dissemination of programs. The center shall promote the
development and dissemination of education, training and
14 technical assistance programs appropriate for French-speaking
countries.

16 8. Market opportunities. The center shall identify market
opportunities and potential contracts in French-speaking
18 countries that match the technologies and expertise available in
the State and coordinate and submit appropriate proposal
20 responses.

22 9. Data base. The center shall maintain an commerce data
base to assist in making program decisions.

24 **§912-B. Members of center**

26
28 Members of the center are individuals and organizations that
pay dues to the center or are state entities as specified in
30 subsection 1. Memberships may be set at different levels.
Members shall elect 5 members to the board of directors of the
center pursuant to section 912-C.

32
34 1. Members. Members are the private individuals,
partnerships, firms, corporations, government entities and other
organizations who pay dues to the center. For the purposes of
36 this chapter, members may include, but are not limited to,
municipal and county governments, councils of government, local
38 and area development corporations, regional planning commissions,
development districts, state agencies, higher education
40 facilities including the components of the University of Maine
System, the Maine Technical College System, the Maine Maritime
42 Academy, private colleges and postsecondary schools and other
public or quasi-public entities. Each of the following 8
44 government entities is granted membership by virtue of the
State's contribution to the center, is exempt from dues
46 requirements and is entitled to designate one individual to
exercise its voting right: the Department of Agriculture, Food
48 and Rural Resources, the State Planning Office, the Finance
Authority of Maine, the Department of Labor, the Department of

2 Conservation, the Department of Marine Resources, the Department
3 of Economic and Community Development and the Department of
4 Transportation.

5 **2. Voting rights.** Each member has a vote in the affairs of
6 the center as set forth in the bylaws of the center, except that,
7 when the member is an organization and not an individual, the
8 governing body of that organization shall designate the
9 individual who is to exercise the voting right.

10 **§912-C. Board of directors and officers**

11 The Board of Directors of the center, referred to in this
12 chapter as the "board," consists of 5 directors elected from the
13 membership and 3 directors appointed by the Governor. Each
14 director is entitled to one vote. Directors' terms must be
15 staggered as determined in the bylaws of the center.

16 The state representative of the national chapter of
17 Francophone business forum may serve as a nonvoting ex officio
18 director.

19 **1. Elected directors.** The members shall elect 5 directors
20 from among the center's dues-paying membership.

21 **2. Governor-selected directors.** The Governor shall appoint
22 3 directors, one of whom must be the International Trade Director
23 within the Department of Economic and Community Development. The
24 other 2 directors must have business or professional experience.

25 **3. Chair; vice-chair; treasurer.** The board shall elect the
26 chair and the vice-chair of the board and the treasurer of the
27 center from among the directors.

28 **4. President.** The president of the center, appointed by
29 the Governor, shall serve upon confirmation by a majority of the
30 board.

31 **5. Duties of president.** The president shall:

32 A. Serve as the liaison between the board and the center;

33 B. Manage the center's programs and services;

34 C. Serve as the State's diplomat, providing leadership in
35 the area of trade with French-speaking countries; and

36 D. Perform any other duties the board considers appropriate.

37 **§912-D. General powers**

The center may:

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

2. Application for and receipt of funds. Apply for and receive funds from any private source or government entity by grant, donation or loan or in any other manner;

3. Economic development services; fees. Employ a staff and provide services to public or private entities in the State to assist their efforts in the development of trade with French-speaking countries and to charge fees for those services that it determines appropriate;

4. Real and personal property. Purchase, receive, hold, lease, acquire by foreclosure, operate, manage, license, sell, convey, transfer or grant real and personal property together with any rights and privileges that may be incidental and appurtenant to the real and personal property and the use of the real and personal property, including, but not limited to, any real or personal property acquired by the center from time to time in the satisfaction of debts or enforcement of obligations;

5. Expenditures and obligations regarding real and personal property. Make all expenditures and incur any obligations reasonably required in the exercise of sound business principles to secure possession of, preserve, maintain, insure and improve real and personal property or interests in real and personal property acquired by the center;

6. Securities. Acquire, subscribe for, own, hold, sell, assign, transfer, mortgage or pledge the stock, shares, bonds, debentures, notes or other securities and evidences of interest in or indebtedness of any person, 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;

7. Encumbrance of property. Mortgage, pledge or otherwise encumber any property right or thing of value acquired pursuant to the powers contained in subsections 4, 5 and 6 as security for the payment of any part of the purchase price of that property right or thing of value;

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

9. Debt. Borrow money for any of the purposes authorized in this chapter; incur debt, including the power to issue the

center's bonds, debentures, notes or other evidences of indebtedness, whether secured or unsecured; and secure the same by mortgage, pledge, deed of trust or other lien on its property, rights and privileges of every kind and nature, or any part thereof or interest therein; and

10. Cooperation with agencies and organizations. Cooperate with government agencies and the University of Maine System and cooperate with, assist and encourage local, regional or national organizations, private or public, in the communities of the State in the promotion, assistance and development of trade with French-speaking countries.

§912-E. Adoption of bylaws

The center shall adopt bylaws consistent with this chapter for the governance of its affairs and has the general powers accorded corporations under Title 13-A, section 202. The center shall take all actions necessary or convenient to carry out the lawful purposes of the center under this chapter.

§912-F. Limitation of powers

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

§912-G. Liability of officers, directors and employees

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

§912-H. Prohibited interests of officers, directors and employees

Officers, directors or employees of the center or their spouses or dependent children may not receive any direct personal benefit from the activities of the center in assisting any private entity. This section does not prohibit corporations or other entities with which officers or directors are associated by reason of ownership or employment from participating in trade

activities of the center with French-speaking countries or receiving services offered by the center as long as the ownership or employment is made known to the board of directors and, if applicable, the officers or directors abstain from voting on matters relating to that participation. This section does not apply to members who are not officers or directors of the center.

§912-I. Donations to State

The State, through the Governor, may accept donations, bequests, devises, grants or other interests of any nature on behalf of the center and transfer those funds, property or other interests to the center.

§912-J. Confidential records

The following records are confidential and are not open to public inspection.

1. Proprietary information. Information provided to or developed by the center and included in a business or marketing plan is confidential if the person to whom the information belongs or pertains requests that it be designated as confidential and if, when made available, the information would allow a person to obtain a business or competitive advantage over another person or would result in significant detriment to the person to whom the information belongs and when the information is not otherwise available in the public domain.

2. Tax or financial information. Any financial statement, supporting data or tax return of any person is confidential.

3. Credit assessment. Any record obtained by the center that contains an assessment of the credit worthiness, credit rating or financial condition of any person is confidential.

This section does not prohibit the disclosure of information that is otherwise available in the public domain.

§912-K. Annual report; audit

The center shall provide an annual report and an independent audit of its activities to the Governor, the joint standing committee of the Legislature having jurisdiction over economic development matters and the members of the center.

§912-L. General conditions; dissolution

The center shall operate as a nonprofit organization consistent with its composition and broad public purposes. The

following conditions apply to the operation or dissolution of the center.

1. Net earnings of center. No part of the net earnings of the center may inure to the benefit of any member, officer, director or employee, except that the center may pay reasonable compensation for services rendered and otherwise hold, manage and dispose of its property for the purposes of the center.

2. Dissolution of center. Upon dissolution of the center, the center shall transfer all unexpended General Fund appropriations to the State before paying or making provision for the payment of any other liabilities of the center.

§912-M. Liberal construction

This chapter may be construed liberally to effect the intent and purposes of the center for improved and enhanced trade with French-speaking countries and may not be construed as a limitation of powers.

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

1997-98

**ECONOMIC AND COMMUNITY DEVELOPMENT,
DEPARTMENT OF**

All Other	\$100,000
Provides funds to establish the Maine Franco-American Center.	

SUMMARY

The purpose of this bill is to establish the Maine Franco-American Center in Bangor to increase the State's trade with French-speaking countries.