

MAINE STATE LEGISLATURE

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DATE: 3/21/2000

(Filing No. S-570)

STATE AND LOCAL GOVERNMENT

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 737, L.D. 2087, Bill, "An Act to Establish the Public Resources and Information for Maine Foundation"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 3 MRSA §959, sub-§1, ¶M, as amended by PL 1999, c. 415, §1, is further amended to read:

M. The joint standing committee of the Legislature having jurisdiction over state and local government matters shall use the following list as a guideline for scheduling reviews:

- (1) Capitol Planning Commission in 1997;
- (2) State Civil Service Appeals Board in 1999;
- (3) State Claims Commission in 1999;
- (4) Maine Municipal Bond Bank in 2001;
- (5) Office of Treasurer of State in 2001;
- (6) Department of Administrative and Financial Services, except for the Bureau of Revenue Services in 2003;
- (7) Department of the Secretary of State, except for the Bureau of Motor Vehicles, in 2003; and
- (9) State Planning Office in 2001; and

COMMITTEE AMENDMENT

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(10) Public Resources and Information for Maine Foundation in 2004.

Sec. 2. 5 MRSA c. 14-B is enacted to read:

CHAPTER 14-B

PUBLIC RESOURCES AND INFORMATION FOR MAINE FOUNDATION

§312. Public Resources and Information for Maine Foundation established

The Public Resources and Information for Maine Foundation is established to provide the State's citizens with increased access to unbiased information about state government procedures, deliberations and public policy events to promote civic education, to stimulate the public dialogue and to provide the resources for fostering greater citizen participation in State Government.

The foundation is a nonprofit corporation with a public purpose and the foundation's exercise of the powers that this chapter confers is deemed an essential governmental function.

The Public Resources and Information for Maine Foundation shall foster, assist and participate in efforts to achieve its mission, including, but not limited to, the following efforts.

1. Establishing public and private partnerships. The Public Resources and Information for Maine Foundation, referred to in this chapter as the "foundation," shall endeavor to:

A. Establish public and private partnerships that will provide resources for fostering greater citizen involvement in State Government;

B. Increase citizen knowledge and understanding of State Government, including its processes, deliberations, procedures and responsibilities; and

C. Promote civic education and engender public dialogue on issues important to the citizens of the State.

2. Citizen access and public outreach opportunities. The foundation may:

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2 A. Develop and propose new public information strategies
for State Government in an effort to enhance citizen
awareness and involvement in State Government;

4
6 B. Develop and propose new entities and services for
enhancing citizen access to State Government. These
entities and services may include, but are not limited to:

8
10 (1) Establishment of a speakers' bureau;

12 (2) Development and distribution of educational
videos; and

14 (3) Creation of a public information bureau; and

16 C. Promote public understanding of State Government's
processes, procedures, deliberations and responsibilities by
means of a variety of public and private media, as well as
by means of any existing state public information resource.

20 **§313. Board of directors**

22
24 1. Membership. The Board of Directors of the Public
Resources and Information for Maine Foundation consists of 15
voting members as follows:

26
28 A. Five members appointed by the Governor from among the
commissioners and directors of all of the executive
departments and agencies of State Government, including the
Finance Authority of Maine, the Maine State Housing
Authority, the University of Maine System and the Maine
Technical College System. Each of these members may appoint
a designee;

34
36 B. One member of the Senate, appointed by the President of
the Senate;

38 C. One member of the House of Representatives, appointed by
the Speaker of the House;

40
42 D. Four members of the public representing for-profit
businesses operating in the State, appointed by the
Governor; and

44
46 E. Four members of the public representing nonprofit
entities operating in the State, appointed by the Governor.

48 The Director of the Margaret Chase Smith Center for Public
Policy, or the director's designee, and the Dean of the Edmund S.
50 Muskie School of Public Service, or the dean's designee, serve as

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2 nonvoting, ex-officio members of the board of directors of the foundation.

4 2. Terms. Except for legislative members, each member
6 serves a term of 3 years and may be reappointed to additional
8 terms. In the organizational year, however, of those members
10 appointed, 2 of the State Government appointees serve terms of 3
12 years, one serves a term of 2 years and 2 serve terms of one
14 year; of the members representing for-profit businesses, 2 serve
16 terms of 3 years, one serves a term of 2 years and one serves a
18 term of one year; and of the members representing nonprofit
20 entities, 2 serve terms of 3 years, one serves a term of 2 years,
22 and one serves a term of one year. Including the organizational
24 year, legislative members serve terms of 2 years and may be
26 reappointed to additional terms of 2 years.

18 Except for legislative members, the Governor shall appoint a
20 successor to fill a vacancy for an unexpired term from the same
22 group represented by the predecessor member. The President of
24 the Senate shall appoint a successor for an unexpired Senate term
26 and the Speaker of the House shall appoint a successor for an
28 unexpired House term.

24 The members shall elect a chair, vice-chair and treasurer at
26 the first meeting of every fiscal year. A quorum consists of 8
28 members. The members serve without compensation, but are
30 entitled to reimbursement for expenses incurred in the
32 performance of their duties. State employees serving as members,
34 however, may not be compensated by the foundation for these
36 expenses. The board shall meet at least 4 times per year.

32 **§314. General powers**

34 The foundation may:

36 1. Bylaws. Adopt bylaws for the governance of its affairs,
38 have the general powers accorded corporations under Title 13-B,
40 section 202 and do all other things necessary or convenient to
42 carry out the purposes of the foundation, including establishing
44 foundation membership and membership criteria;

42 2. Suit. Sue or be sued in its own name;

44 3. Application for receipt of funds. Apply for and receive
46 funds from any private source or governmental entity, whether by
48 grant, donation or loan or by any other manner;

48 4. Real and personal property. Purchase, receive, hold,
50 lease or acquire by foreclosure, operate, manage, license and
sell, convey, transfer, grant or lease real or personal property.

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2 together with such rights and privileges as may be incident and
3 appurtenant to the real or personal property and the use of the
4 real or personal property, including, but not limited to, any
5 real or personal property acquired by the foundation from time to
6 time in the satisfaction of debts or enforcement of obligations;

7
8 5. Expenditures and obligations regarding real or personal
9 property. Make all expenditures and incur any obligations
10 reasonably required in the exercise of sound business principles
11 to secure possession of, preserve, maintain, insure or improve
12 real or personal property or interests in real or personal
13 property acquired by the foundation;

14 6. Securities. Acquire, subscribe for, own, hold, sell,
15 assign, transfer, mortgage or pledge the stock, shares, bonds,
16 debentures, notes or other securities or evidences of interest in
17 or indebtedness of any person, firm, corporation, joint stock
18 company, partnership, association or trust and, while the owner
19 or holder thereof, exercise all the rights, powers and privileges
20 of ownership, including the right to vote thereon;

21 7. Encumbrance on property. Mortgage, pledge or otherwise
22 encumber any property right or thing of value acquired pursuant
23 to the powers contained in subsection 4, 5 or 6 as security for
24 the payment of any part of the purchase price of the property
25 right or thing of value;

26
27 8. Contracts and liabilities. Make contracts, including
28 contracts for services, and incur liabilities for any of the
29 purposes authorized in this chapter;

30
31 9. Debt. Borrow money for any of the purposes authorized
32 in this chapter; incur debt, including the power to issue for
33 that debt its bonds, debentures, notes or other evidences of
34 indebtedness, whether secured or unsecured; and secure the debt
35 by mortgage, pledge, deed or trust or other lien on its property,
36 rights or privileges of every kind and nature, or any part of its
37 property, rights or privileges or interest in its property,
38 rights or privileges; and

39
40 10. Cooperation with agencies and organizations. Cooperate
41 with and avail itself of the services of governmental agencies
42 and the University of Maine System and cooperate with, assist and
43 otherwise encourage organizations, local or regional, private or
44 public, in the various communities of the State in the promotion
45 and development of and assistance with civic education, public
46 knowledge and awareness of State Government and citizen access to
47 public information.

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49 §315. Limitation of powers
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2 The foundation, notwithstanding the provisions of section
314, does not have the power or authority to enter into
4 contracts, obligations or commitments of any kind on behalf of
the State or any of its agencies, nor does it have the power of
6 eminent domain or any other power not provided to nonprofit
corporations generally. Bonds, notes and other evidences of
8 indebtedness of the foundation may not, in any way, be a debt or
liability of the State or constitute a pledge of the faith and
10 credit of the State.

12 **§316. Prohibited interests of officers, directors and employees**

14 Officers, directors and employees of the foundation and
their spouses or dependent children may not receive any direct
16 personal benefit from the activities of the foundation in
assisting any private entity. This section does not prohibit
18 corporations or other entities with which an officer or director
is associated by reason of ownership or employment from
20 participating in public information and access activities with
the foundation, as long as this ownership or employment is made
22 known to the board of directors and the officer or director
abstains from voting on matters relating to the officer's or
24 director's participation.

26 **§317. Annual report; audit**

28 The foundation shall provide an annual report and an
independent audit of its activities to the Governor, the joint
30 standing committee of the Legislature having jurisdiction over
state and local government matters and its members. The
32 foundation is subject to such further audit and review as
required under the State Government Evaluation Act.

34 **§318. General conditions: dissolution**

36 The foundation shall operate as a nonprofit organization
38 consistent with its composition and broad public purposes. The
following conditions apply to the operation of the foundation.

40 1. Net earnings of foundation. Net earnings of the
42 foundation may not be expended for the benefit of any officer,
director or employee except that the foundation may pay
44 reasonable compensation for services rendered and otherwise hold,
manage and dispose of property in furtherance of the purposes of
46 the foundation.

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

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2 of the remaining assets of the foundation to be transferred to
3 the State.

4 **§319. Donations: funding**

6 1. Donations. The State, through the Governor, may accept
7 donations, bequests, devises, grants or other interests of any
8 nature on behalf of the foundation and transfer funds, property
9 or other interests to the foundation.

10 2. Funds not to lapse. Any appropriated state funds
11 continue from year to year and do not lapse. Funds must be
12 expended for the purposes defined in this chapter.

13 3. Independent funding. Beginning January 1, 2002, 100% of
14 the foundation's annual budget must be derived from sources other
15 than direct appropriations from the State. Permissible sources
16 of such revenue may include public, private, federal and local
17 sources and may include revenue from state agencies for projects
18 undertaken by the foundation on behalf of those agencies.

19 4. Certification; annual report. The foundation shall
20 include in its annual report certification that the requirements
21 of this section have been met.

22 **§320. Liability**

23 The foundation is a governmental entity for the purposes of
24 Title 14, chapter 741.

25 **Sec. 3. First meeting.** The Governor shall call the first
26 meeting of the Board of Directors of the Public Resources and
27 Information for Maine Foundation and appoint an acting chair who
28 shall serve as chair until the board elects its officers. The
29 first meeting of the board must be held within 60 days of the
30 effective date of this Act.

31 **Sec. 4. Appropriation.** The following funds are appropriated
32 from the General Fund to carry out the purposes of this Act.

2000-01

33 **PUBLIC RESOURCES AND INFORMATION**
34 **FOR MAINE FOUNDATION**

35 **Public Resources and Information**
36 **for Maine Foundation**

37 All Other \$100,000

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COMMITTEE AMENDMENT "A" to S.P. 737, L.D. 2087

2 Provides initial start-up funds for the
4 Public Resources and Information for Maine
Foundation.

6 **Sec. 5. Appropriation.** The following funds are appropriated
8 from the General Fund to carry out the purposes of this Act.

2000-01

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Personal Services \$440
16 All Other 400

18 Provides funds for the per diem and expenses
20 of legislative members of the Board of
Directors of the Public Resources and
22 Information for Maine Foundation.

22

LEGISLATURE

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TOTAL \$840'

26 Further amend the bill by inserting at the end before the
28 summary the following:

28

FISCAL NOTE

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32

2000-01

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APPROPRIATIONS/ALLOCATIONS

36

General Fund \$100,840

38

40 This bill establishes the Public Resources and Information
for Maine Foundation, a nonprofit corporation, and includes a
42 General Fund appropriation of \$100,000 in fiscal year 2000-01 for
initial start-up funds of the foundation. The amount of the
44 ongoing financial commitment for the State is specifically
limited by the bill. The foundation is intended to be supported
46 by other than state funds after January 1, 2002.

46

48 The foundation, among other powers and duties, is authorized
to incur debt including the issuance of securities and bonds.

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to S.P. 737, L.D. 2087

2 Any indebtedness incurred by the foundation will not pledge the
faith and credit of the State.

4 This bill also provides a General Fund appropriation of \$840
6 in fiscal year 2000-01 for the Legislature for the per diem and
expenses of legislative members of the Board of Directors of the
8 Public Resources and Information for Maine Foundation. The
estimated future General Fund appropriations required for this
purpose are \$840 annually.

10
12 Several state departments and agencies will incur some minor
14 additional costs to serve as ex officio corporators and members
of the board of directors. These costs can be absorbed within
the existing budgeted resources of the respective agencies.'

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SUMMARY

20 This amendment makes several changes to section 2 of the
bill. Among other things, the amendment:

22 1. Deletes a section in the original bill establishing a
24 board of corporators;

26 2. Alters the composition of the Public Resources and
Information for Maine Foundation's board of directors;

28 3. Removes from the services to be developed by the
30 foundation the establishment of dedicated electronic media
channels for full-time coverage of legislative and other
32 government proceedings;

34 4. Requires the foundation to report to the joint standing
committee of the Legislature having jurisdiction over state and
36 local government matters rather than to the Legislature as a
whole;

38 5. Requires the Governor to call the first meeting of the
40 foundation's directors and to appoint an acting chair;

42 6. Limits general funding for the foundation to its first
full year of operation; and

44 7. Changes the fiscal year for the seed money appropriation.

46 This amendment also adds another appropriation section and a
fiscal note to the bill.

COMMITTEE AMENDMENT