

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 2087

S.P. 737

In Senate, March 30, 1999

**An Act to Establish the Public Resources and Information for Maine
Foundation.**

Reference to the Committee on State and Local Government 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 KONTOS of Cumberland.
Cosponsored by Representative WATSON of Farmingdale and
Senators: President LAWRENCE of York, PINGREE of Knox, Representatives: GREEN of
Monmouth, McKEE of Wayne, MURPHY of Kennebunk, O'BRIEN of Augusta, POWERS of
Rockport, TESSIER of Fairfield.

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

4 **Sec. 1. 3 MRSA §959, sub-§1, ¶M,** as amended by PL 1997, c. 526, §14, is further amended to read:

6 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:

- 8
- 10 (1) Capitol Planning Commission in 1997;
 - 12 (2) State Civil Service Appeals Board in 1999;
 - 14 (3) State Claims Commission in 1999;
 - 16 (4) Maine Municipal Bond Bank in 2001;
 - 18 (5) Office of Treasurer of State in 2001;
 - 20 (6) Department of Administrative and Financial Services, except for the Bureau of Revenue Services in 2003;
 - 22
 - 24 (7) Department of the Secretary of State, except for the Bureau of Motor Vehicles, in 2003;
 - 26
 - 28 (8) Local Government Records Board in 2003; and
 - 30 (9) State Planning Office in 2005+; and
 - 32 (10) Public Resources and Information for Maine Foundation in 2004.

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

36 **CHAPTER 14-B**

38 **PUBLIC RESOURCES AND INFORMATION**
40 **FOR MAINE FOUNDATION**

42 **§312. Public Resources and Information for Maine Foundation established**

44 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 Public Resources and Information for Maine

2 Foundation shall foster, assist and participate in efforts to
3 achieve its mission, including, but not limited to, the following
4 efforts.

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

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

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

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

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

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

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

24 (1) Establishment of a speakers' bureau;

25 (2) Development and distribution of educational videos;

26 (3) Establishment of dedicated electronic media
27 channels for full-time coverage of legislative and
28 other governmental proceedings; and

29 (4) Creation of a public information bureau; and

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

34 **§313. Corporators**

35 The Board of Corporators, who shall elect members of the
36 board of directors as provided in section 314, consists of

2 individuals and organizations classified as private sector
3 corporators, public sector corporators and ex officio corporators.

4 1. Private sector corporators. Private sector corporators
5 are those individuals, partnerships, firms, corporations or other
6 organizations providing support annually to the foundation at a
7 level determined by the board of directors of the foundation.

8
9 2. Public sector corporators. Public sector corporators
10 are those agencies of government and other organizations
11 providing support annually to the foundation at a level
12 determined by the board of directors of the foundation. For the
13 purposes of this chapter, public sector corporators include State
14 Government and its agencies, the University of Maine System,
15 school administrative units, private colleges and postsecondary
16 schools, the Maine Technical College System and such other public
17 or quasi-public entities as may be approved by the board of
18 directors of the foundation.

19 3. Ex officio corporators. Ex officio corporators consist
20 of the heads of the major state departments and agencies and the
21 directors of the Margaret Chase Smith Center for Public Policy
22 and the Muskie School of Public Services. State department and
23 agency heads or their designees include but are not limited to
24 the:

25 A. Secretary of State;

26 B. Treasurer of State;

27 C. Director of the State Planning Office;

28 D. Commissioner of Agriculture, Food and Rural Resources;

29 E. Commissioner of Professional and Financial Regulation;

30 F. Commissioner of Conservation;

31 G. Commissioner of Education;

32 H. Commissioner of Environmental Protection;

33 I. Commissioner of Administrative and Financial Services;

34 J. Commissioner of Human Services;

35 K. Commissioner of Inland Fisheries and Wildlife;

36 L. Commissioner of Marine Resources;

2 M. Commissioner of Labor;

4 N. Commissioner of Mental Health, Mental Retardation and
Substance Abuse Services;

6 O. Commissioner of Transportation;

8 P. Chief Executive Officer of the Finance Authority of
Maine; and

10 Q. Executive Director of the Maine State Housing Authority.

12 4. Voting rights; chair. Each corporator has a vote in
14 such affairs of the foundation as may involve the corporators, as
16 long as, in the case when the corporator is an organization, the
18 governing body of that organization shall designate an individual
who is to exercise the voting right. The Secretary of State or a
designee of the Secretary of State shall serve as chair of the
Board of Corporators.

20 **§314. Board of directors; officers**

22 The Board of Directors of the Public Resources and
24 Information for Maine Foundation, referred to in this chapter as
26 the "board of directors," consists of 15 directors. The Board of
28 Corporators shall elect 11 directors from among the corporators,
providing that 7 directors are elected from among the private
30 sector corporators and 4 directors are elected from among the
32 public sector corporators. The Secretary of State and the
34 directors of the Margaret Chase Smith Center for Public Policy
and the Muskie School of Public Services are permanent members of
the board of directors. There are a chair, a vice chair and a
treasurer elected by the corporators from the board of
directors. The president of the foundation is appointed by the
directors so elected or appointed and becomes a director and
chief executive officer of the foundation. The president may not
be appointed from among the directors.

38 **§315. General powers**

40 The foundation may:

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

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

50

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

6 4. Real and personal property. Purchase, receive, hold,
7 lease or acquire by foreclosure, operate, manage, license and
8 sell, convey, transfer, grant or lease real or personal property,
9 together with such rights and privileges as may be incident and
10 appurtenant to the real or personal property and the use of the
11 real or personal property, including, but not limited to, any
12 real or personal property acquired by the foundation from time to
13 time in the satisfaction of debts or enforcement of obligations;

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

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

30 7. Encumbrance on property. Mortgage, pledge or otherwise
31 encumber any property right or thing of value acquired pursuant
32 to the powers contained in subsection 4, 5 or 6 as security for
33 the payment of any part of the purchase price of the property
34 right or thing of value;

36 8. Contracts and liabilities. Make contracts, including
37 contracts for services, and incur liabilities for any of the
38 purposes authorized in this chapter;

40 9. Debt. Borrow money for any of the purposes authorized
41 in this chapter; incur debt, including the power to issue for
42 that debt its bonds, debentures, notes or other evidences of
43 indebtedness, whether secured or unsecured; and secure the debt
44 by mortgage, pledge, deed or trust or other lien on its property,
45 rights or privileges of every kind and nature, or any part of its
46 property, rights or privileges or interest in its property,
47 rights or privileges; and

48 10. Cooperation with agencies and organizations. Cooperate
49 with and avail itself of the services of governmental agencies
50 and the University of Maine System and cooperate and assist and

2 otherwise encourage organizations, local or regional, private or
4 public, in the various communities of the State in the promotion,
6 assistance and development of civic education, public knowledge
8 and awareness of State Government and citizen access to public
10 information.

12 **§316. Limitation of powers**

14 The foundation, notwithstanding the powers enumerated in
16 section 315, does not have the power or authority to enter into
18 contracts, obligations or commitments of any kind on behalf of
20 the State or any of its agencies, nor does it have the power of
22 eminent domain or any other power not provided to business
24 corporations generally. Bonds, notes and other evidences of
26 indebtedness of the foundation may not, in any way, be a debt or
28 liability of the State or constitute a pledge of the faith and
30 credit of the State.

32 **§317. Liability of officers, directors and employees**

34 All officers, directors, employees and other agents of the
36 foundation entrusted with the custody of the securities of or
38 authorized to disburse the funds of the foundation must be
40 bonded, either by blanket bond or by individual bonds, with a
42 surety bond or bonds with a minimum limitation of \$250,000
44 coverage for each person covered conditioned upon the faithful
46 performance of that person's duties, the premiums for which must
48 be paid out of the assets of the foundation.

50 **§318. Prohibited interests of officers, directors and employees**

52 Officers, directors and employees of the foundation and
54 their spouses or dependent children may not receive any direct
56 personal benefit from the activities of the foundation in
58 assisting any private entity. This section does not prohibit
60 corporations or other entities with which an officer or director
62 is associated by reason of ownership or employment from
64 participating in public information and access activities with
66 the foundation, as long as this ownership or employment is made
68 known to the board of directors and the officer or director
70 abstains from voting on matters relating to the officer's or
72 director's participation. This prohibition extends to
74 corporators who are not officers or directors of the foundation.

76 **§319. Annual report; audit**

78 The foundation shall provide an annual report and an
80 independent audit of its activities to the Governor, the
82 Legislature and its corporators and members. The foundation is

2 subject to such further audit and review as required under the
3 State Government Evaluation Act.

4 **§320. General conditions; dissolution**

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

10 1. Net earnings of foundation. Net earnings of the
11 foundation may not be expended for the benefit of any corporator,
12 officer, director or employee except that the foundation may pay
13 reasonable compensation for services rendered and otherwise hold,
14 manage and dispose of property in furtherance of the purposes of
15 the foundation.

16 2. Dissolution of foundation. Upon dissolution of the
17 foundation, the corporators shall, after paying or making
18 provision for the payment of all liabilities of the foundation,
19 cause all of the remaining assets of the foundation to be
20 transferred to the State.

22 **Sec. 3. First meeting.** The chair of the Board of Corporators
23 of the Public Resources and Information for Maine Foundation
24 shall convene the first meeting of the Board of Corporators for
25 the purposes of nominating and electing the Board of Directors of
26 the Public Resources and Information for Maine Foundation and
27 establishing Board of Corporators bylaws. The first meeting must
28 be held within 60 days of the effective date of this Act. The
29 first meeting of the board of directors must be convened by the
30 Chair of the Board of Corporators within 120 days of the
31 effective date of this Act.

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

36
37 **Public Resources and Information** **1999-00**
38 **for Maine Foundation**

40 All Other \$100,000
41
42 Provides initial start-up funds for the
43 Public Resources and Information for Maine
44 Foundation.
45
46

SUMMARY

2

4 This bill establishes the Public Resources and Information
for Maine Foundation and proposes an appropriation of \$100,000
6 for fiscal year 1999-00. The bill also schedules the foundation
for review under the State Government Evaluation Act in 2004.