

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 27

H.P. 27

House of Representatives, January 4, 2001

An Act to Implement the Recommendations of the Commission on Child Abuse.

Reported by Representative JACOBS for the Commission on Child Abuse pursuant to Joint Study Order H.P. 1930.

Reference to the Joint Standing Committee on Health and Human Services suggested and printing ordered under Joint Rule 218.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

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

2 Sec. 1. 22 MRSA §3884, as amended by PL 1999, c. 529, §§2 to
4 4, is repealed.

6 Sec. 2. 22 MRSA §3884-A is enacted to read:

8 **§3884-A. Duties of board; powers of board**

10 **1. Duties.** The board shall:

12 A. Develop a biennial working plan for trust activities
14 that sets overall statewide goals and objectives for child
16 abuse prevention activities, establishes priorities for
18 distribution of money in the fund and provides a working
20 plan for the trust for the biennium. In developing the
22 plan, the board may:

24 (1) Review and evaluate existing prevention programs,
26 including high-quality child care options;

28 (2) Ensure that equal opportunity exists for the
30 establishment of prevention programs and receipt of
32 money from the fund among all geographic areas in the
34 State; and

36 (3) Review and evaluate public and private funding
38 sources;

40 B. Develop, initiate, propose or recommend ideas for
42 innovations in rules, laws, policies and programs concerning
44 child abuse and neglect to the Governor, the Legislature,
46 state executive agencies, the business community and other
48 entities. The board may also assist in the coordination and
exchange of information and the maintenance of prevention
programs;

C. Publicize criteria and review applications for grants
and award those grants to recipients that best address the
purposes of this chapter and submit to the Legislature the
list of both successful and unsuccessful applicants who have
allowed their names to be placed on the list along with
reasons for and against the application;

D. Establish a process for monitoring and review of grants
awarded pursuant to this chapter;

E. As a primary prevention activity of the trust, develop
and implement a campaign to provide statewide education and

2 public information to enhance public awareness concerning
3 child abuse and neglect;

4 F. Enter into contracts with public or private agencies and
5 accept gifts or grants from federal, state or private
6 sources to carry out this chapter;

7 G. Employ staff as the board determines necessary to
8 implement its responsibilities;

9
10 H. Cooperate with and avail itself of the services of
11 governmental agencies and the University of Maine System and
12 cooperate with, assist and otherwise encourage local or
13 regional, private or public organizations in the various
14 communities of the State in the prevention of abuse and
15 neglect among children in the community and the State; and

16
17 I. Develop plans, with the cooperation of the child abuse
18 and neglect councils established under chapter 1057, to
19 provide a stable base for funding the councils in amounts no
20 lower than the amounts provided in the biennial budget of
21 fiscal years 1999-00 and 2000-01.

22
23 **2. Powers. The board may:**

24
25 A. Apply for and receive funds from any private source or
26 governmental entity, whether by way of grant, donation, loan
27 or other means;

28
29 B. Create partnerships between the public and private
30 sectors to facilitate the purposes of this chapter and to:

31
32 (1) Bridge the gap in knowledge and communication
33 between the public and private sectors regarding
34 prevention programs and prevention policies;

35
36 (2) Build the leadership capacity of public and
37 private sector individuals and institutions regarding
38 prevention programs, prevention policies and the
39 importance of high-quality child care in all children's
40 early years; and

41
42 (3) Encourage active financial and in-kind
43 participation from the public and private sectors in
44 carrying out the purposes of this chapter;

45
46 C. Adopt bylaws, have the general powers accorded
47 corporations under Title 13, chapter 81 and perform other
48 acts necessary or convenient to carry out the lawful
49 purposes of the trust;
50

- 2 D. Sue or be sued in the board's own name;
- 4 E. Purchase, receive, hold, lease or acquire by
6 foreclosure, operate, manage, license and sell, convey,
8 transfer, grant or lease real and personal property,
10 together with those rights and privileges that may be
12 incidental and appurtenant to the property and the use of
14 the property, including, but not limited to, real or
16 personal property acquired by the board from time to time in
 the satisfaction of debts or enforcement of obligations;
- 18 F. Make expenditures and incur obligations reasonably
20 required in the exercise of sound business principles to
22 secure possession of, preserve, maintain, insure and improve
24 real and personal property interests acquired by the board;
- 26 G. Acquire, subscribe for, own, hold, sell, assign,
28 transfer, mortgage or pledge the stock, shares, bonds,
30 debentures, notes or other securities and evidences of
32 interest in or indebtedness of a person, firm, corporation,
34 joint stock company, partnership, association or trust, and,
 while the owner or holder of stock, shares, bonds,
 debentures, notes or other securities, exercise the rights,
 powers and privileges of ownership, including the right to
 vote on the stock, shares, bonds, debentures, notes or other
 securities;
- H. Mortgage, pledge or otherwise encumber any property
 right or thing of value acquired pursuant to the powers
 contained in paragraph E, F or G as security for the payment
 of any part of the purchase price of the property right or
 thing of value; and
- I. Expend principal from the endowment fund established in
 section 3885, subsection 5 only under emergency
 circumstances by 2/3 vote of the board.

38 **Sec. 3. 22 MRSA §3886**, as enacted by PL 1993, c. 600, Pt. A,
40 §16, is amended to read:

42 **§3886. Limitation of powers**

44 The board, notwithstanding section 3884 3884-A, subsection 8
46 1, paragraph F, may not enter into contracts, obligations or
48 commitments of any kind on behalf of the State or its agencies,
 nor does it have the power of eminent domain or other powers not
 provided to business corporations generally. Bonds, notes and
 other evidences of indebtedness of the board are not debts or

liabilities of the State and do not constitute a pledge of the
2 faith and credit of the State.

4 **Sec. 4. 22 MRSA §4004, sub-§1**, as amended by PL 1993, c. 294,
§§1 and 2, is further amended to read:

6
8 **1. General.** The department may take appropriate action,
consistent with available funding, that will help prevent child
10 abuse and neglect and achieve the goals of section 4003 and
subchapter XI-A, including:

12 A. Developing and providing services which:

14 (1) Support and reinforce parental care of children;

16 (2) Supplement that care; and

18 (3) When necessary, substitute for parental care of
children;

20 B. Encouraging the voluntary use of these and other
22 services by families and children who may need them;

24 C. Cooperating and coordinating with other agencies,
facilities or persons providing related services to families
26 and children;

28 D. Establishing and maintaining a Child Protective Services
Contingency Fund to provide temporary assistance to families
30 to help them provide proper care for their children; and

32 E. Establishing a child death and serious injury review
panel for reviewing deaths and serious injuries to
34 children. The panel consists of the following members: the
Chief Medical Examiner, a pediatrician, a public health
36 nurse, forensic and community mental health clinicians, law
enforcement officers, departmental child welfare staff,
38 district attorneys and criminal or civil assistant attorneys
general.

40 The purpose of the panel is to recommend to state and local
42 agencies methods of improving the child protection system,
including modifications of statutes, rules, policies and
44 procedures.

46 **Sec. 5. Cooperative work.** The Maine Children's Trust
Incorporated, established under the Maine Revised Statutes, Title
48 22, chapter 1058, shall work cooperatively with the Department of
Human Services, the child abuse and neglect councils and the
50 Maine Association of Child Abuse and Neglect Councils,

2 established under Title 22, chapter 1057, and statewide
3 organizations working to prevent child abuse and neglect to
4 develop a proposal to channel funding for the child abuse and
5 neglect councils through the Maine Children's Trust Incorporated
6 in order to maximize federal funding and to qualify for matching
7 funds in as high amounts as possible. By January 15, 2002, the
8 Maine Children's Trust Incorporated shall submit the proposal to
9 the Second Regular Session of the 120th Legislature.

10 SUMMARY

11 This bill repeals the provision of law that sets forth the
12 powers of the board of directors of the Maine Children's Trust
13 Incorporated and enacts in its stead a provision that clarifies
14 which of the functions are powers and which are duties. In
15 addition, the bill assigns to the trust the following:

16
17 1. A permanent duty to develop plans with the child abuse
18 and neglect councils to provide a stable base of funding for the
19 councils at levels at least as high as the levels in the fiscal
20 years 1999-00 and 2000-01 biennial budget; and
21

22
23 2. A one-time duty to develop a proposal along with the
24 Department of Human Services, the child abuse and neglect
25 councils, the Maine Association of Child Abuse and Neglect
26 Councils and statewide organizations working to prevent child
27 abuse and neglect to channel funding that is destined to the
28 child abuse and neglect councils through the trust in order to
29 maximize federal funding and qualify for matching funds in as
30 high amounts as possible. The bill requires the Maine Children's
31 Trust Incorporated to submit a report to the Second Regular
32 Session of the 120th Legislature by January 15, 2002 on the
33 proposal to maximize federal funding and to qualify for matching
34 funds.

35
36 This bill clarifies the authority of the Department of Human
37 Services, in the Child and Family Services and Child Protection
38 Act, to take appropriate action, consistent with existing
funding, to prevent child abuse and neglect.