

CHAPTER 1058

MAINE CHILDREN'S TRUST INCORPORATED

§3881. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1993, c. 600, Pt. A, §16 (NEW).]

1. Board. "Board" means the Board of the Maine Children's Trust Incorporated.
[PL 1993, c. 600, Pt. A, §16 (NEW).]

2. Eligible organization. "Eligible organization" means a nonprofit organization, local government or public school system.
[PL 1993, c. 600, Pt. A, §16 (NEW).]

3. Fund. "Fund" means the repository for funds donated to the Maine Children's Trust Incorporated by the taxpayers of the State through an income tax checkoff pursuant to Title 36, section 5285 as well as federal grants and contracts, privately donated funds and in-kind donations for prevention programs, or by any means for the purposes of this chapter.
[PL 1995, c. 402, Pt. A, §4 (RPR).]

4. Income. "Income" means annual contributions made to the fund through the income tax checkoff.
[PL 1997, c. 149, §1 (AMD).]

5. Prevention policies. "Prevention policies" means laws, rules, policies, procedures and practices, whether in the public or private sector, that have an actual or potential impact on the nature and incidence of child abuse and neglect.
[PL 1993, c. 600, Pt. A, §16 (NEW).]

6. Prevention programs. "Prevention programs" means programs, plans or training associated with the primary prevention of child abuse and neglect and the promotion of high-quality child care.
[PL 1999, c. 529, §1 (AMD).]

7. Trust. "Trust" means the Maine Children's Trust Incorporated.
[PL 1995, c. 402, Pt. A, §5 (NEW).]

SECTION HISTORY

PL 1993, c. 600, §A16 (NEW). PL 1995, c. 402, §§A4,5 (AMD). PL 1997, c. 149, §1 (AMD). PL 1999, c. 529, §1 (AMD).

§3882. Establishment; purpose; nonprofit organization

The Maine Children's Trust Incorporated, referred to in this chapter as the "trust," is established to provide a mechanism for voluntary contributions by individuals and groups for annual and long-term funding of prevention programs. [PL 1995, c. 402, Pt. A, §6 (AMD).]

The trust is a private nonprofit corporation with a broad public purpose pursuant to this chapter. The exercise by the trust of the powers conferred by this chapter is held to be an essential governmental function. [PL 1995, c. 402, Pt. A, §6 (AMD).]

SECTION HISTORY

PL 1993, c. 600, §A16 (NEW). PL 1995, c. 402, §A6 (AMD).

§3883. Board; establishment

1. Establishment. The Board of the Maine Children's Trust Incorporated, referred to in this chapter as the "board," is established.

[PL 1993, c. 600, Pt. A, §16 (NEW).]

2. Membership. The board consists of at least 17 members, appointed as follows:

A. One Senator, appointed by the President of the Senate for a 2-year term served concurrently with the legislative term; [PL 1993, c. 600, Pt. A, §16 (NEW).]

B. One Representative, appointed by the Speaker of the House of Representatives for a 2-year term served concurrently with the legislative term; [PL 1993, c. 600, Pt. A, §16 (NEW).]

C. Four members of the Maine Child Abuse Prevention Councils, selected by that organization. Of the initial appointees, one is appointed for a one-year term, one is appointed for a 2-year term and 2 are appointed for 3-year terms. After the initial appointments, appointees are appointed for 3-year terms; [PL 2009, c. 204, §9 (AMD).]

D. Two representatives of the Department of Health and Human Services appointed by the Commissioner of Health and Human Services. One member must be a senior policy-making official and the other must be a line manager with several years of experience in child abuse and neglect. Of the initial appointees, one is appointed for a 2-year term and the other is appointed for a 3-year term. After the initial appointments, appointees are appointed for 3-year terms; and [PL 1993, c. 600, Pt. A, §16 (NEW); PL 2003, c. 689, Pt. B, §§6, 7 (REV).]

E. Nine members of the public and the business community.

(1) Three members must be appointed by the Governor. Of the initial appointees, one is appointed for a one-year term, one is appointed for a 2-year term and one is appointed for a 3-year term. After the initial appointments, appointees are appointed for 3-year terms.

(2) Three leaders from the business community must be appointed by the Maine Chamber of Commerce and Industry. Of the initial appointees, one is appointed for a one-year term, one is appointed for a 2-year term and one is appointed for a 3-year term. After the initial appointments, appointees are appointed for 3-year terms.

(3) At least 3 members must be elected by majority vote of the board. Of the initial appointees, one is appointed for a one-year term, one is appointed for a 2-year term and one is appointed for a 3-year term. After the initial appointments, appointees are appointed for 3-year terms.

The public members may include representatives of the following groups: parents; persons under the age of 21; the business and labor communities; the legal community; the religious community; and providers of child abuse and neglect prevention services. [PL 1997, c. 149, §2 (AMD).]

[PL 2009, c. 204, §9 (AMD).]

3. Board officers. The board shall elect annually a chair from among its members to serve for one year. The chair may be reelected. The board shall elect annually a member to serve as a secretary, who shall maintain the minutes of board meetings, and another member to serve as treasurer, who shall maintain and oversee financial records and issue an annual financial report at the end of each fiscal year. The secretary and treasurer may be reelected. The board may elect from among its members other officers it determines necessary to carry out the board's purposes.

[PL 1993, c. 600, Pt. A, §16 (NEW).]

4. Compensation. The members are ineligible for per diem compensation, but may be reimbursed for travel expenses and other out-of-pocket expenses associated with board business pursuant to board policy.

[PL 1993, c. 600, Pt. A, §16 (NEW).]

5. Meetings. The board shall meet at least 4 times annually. A simple majority constitutes a quorum.

[PL 1993, c. 600, Pt. A, §16 (NEW).]

6. Advice and consultation. The Commissioner of Health and Human Services, the Commissioner of Education, the Commissioner of Corrections and the Commissioner of Public Safety, upon request, shall provide the board with technical information, assistance and advice.

[RR 2003, c. 2, §76 (COR).]

SECTION HISTORY

PL 1993, c. 600, §A16 (NEW). RR 1995, c. 2, §44 (COR). PL 1997, c. 149, §2 (AMD). PL 2001, c. 354, §3 (AMD). RR 2003, c. 2, §76 (COR). PL 2003, c. 689, §§B6,7 (REV). PL 2009, c. 204, §9 (AMD).

§3884. Powers

(REPEALED)

SECTION HISTORY

PL 1993, c. 600, §A16 (NEW). PL 1995, c. 402, §A7 (AMD). PL 1999, c. 529, §§2-4 (AMD). PL 2001, c. 11, §1 (RP).

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

1. Duties. The board shall:

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

- (1) Review and evaluate existing prevention programs, including high-quality child care options;
- (2) Ensure that equal opportunity exists for the establishment of prevention programs and receipt of money from the fund among all geographic areas in the State; and
- (3) Review and evaluate public and private funding sources; [PL 2001, c. 11, §2 (NEW).]

B. Develop, initiate, propose or recommend ideas for innovations in rules, laws, policies and programs concerning child abuse and neglect to the Governor, the Legislature, state executive agencies, the business community and other entities. The board may also assist in the coordination and exchange of information and the maintenance of prevention programs; [PL 2001, c. 11, §2 (NEW).]

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; [PL 2001, c. 11, §2 (NEW).]

D. Establish a process for monitoring and review of grants awarded pursuant to this chapter; [PL 2001, c. 11, §2 (NEW).]

E. As a primary prevention activity of the trust, develop and implement a campaign to provide statewide education and public information to enhance public awareness concerning child abuse and neglect; [PL 2001, c. 11, §2 (NEW).]

F. Enter into contracts with public or private agencies and accept gifts or grants from federal, state or private sources to carry out this chapter; [PL 2001, c. 11, §2 (NEW).]

G. Employ staff as the board determines necessary to implement its responsibilities; [PL 2001, c. 11, §2 (NEW).]

H. Cooperate with and avail itself of the services of governmental agencies and the University of Maine System and cooperate with, assist and otherwise encourage local or regional, private or public organizations in the various communities of the State in the prevention of abuse and neglect among children in the community and the State; and [PL 2001, c. 11, §2 (NEW).]

I. Develop plans, with the cooperation of the child abuse and neglect prevention councils established under chapter 1057, to provide a stable base for funding the councils in amounts no lower than the amounts provided in the biennial budget of fiscal years 1999-00 and 2000-01. [PL 2009, c. 204, §10 (AMD).]

[PL 2009, c. 204, §10 (AMD).]

2. Powers. The board may:

A. Apply for and receive funds from any private source or governmental entity, whether by way of grant, donation, loan or other means; [PL 2001, c. 11, §2 (NEW).]

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

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

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

(3) Encourage active financial and in-kind participation from the public and private sectors in carrying out the purposes of this chapter; [PL 2001, c. 11, §2 (NEW).]

C. Adopt bylaws, have the general powers accorded corporations under Title 13, chapter 81 and perform other acts necessary or convenient to carry out the lawful purposes of the trust; [PL 2001, c. 11, §2 (NEW).]

D. Sue or be sued in the board's own name; [PL 2001, c. 11, §2 (NEW).]

E. Purchase, receive, hold, lease or acquire by foreclosure, operate, manage, license and sell, convey, transfer, grant or lease real and personal property, together with those rights and privileges that may be incidental and appurtenant to the property and the use of the property, including, but not limited to, real or personal property acquired by the board from time to time in the satisfaction of debts or enforcement of obligations; [PL 2001, c. 11, §2 (NEW).]

F. Make expenditures and incur obligations reasonably required in the exercise of sound business principles to secure possession of, preserve, maintain, insure and improve real and personal property interests acquired by the board; [PL 2001, c. 11, §2 (NEW).]

G. 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 a person, firm, corporation, 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; [PL 2001, c. 11, §2 (NEW).]

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 [PL 2001, c. 11, §2 (NEW).]

I. Expend principal from the endowment fund established in section 3885, subsection 5 only under emergency circumstances by 2/3 vote of the board. [PL 2001, c. 11, §2 (NEW).]

[PL 2001, c. 11, §2 (NEW).]

SECTION HISTORY

PL 2001, c. 11, §2 (NEW). PL 2009, c. 204, §10 (AMD).

§3885. Funds

1. Control. The board may accept funds from a public or private source. Revenue to the fund must be managed, deposited, invested and disbursed by the board in a manner that is independent of control by the Department of Administrative and Financial Services.

[PL 1993, c. 600, Pt. A, §16 (NEW).]

2. Grants disbursement. The board shall establish a procedure and form for applications for grants of fund resources under this chapter. Upon board approval of an application, the board may disburse money from the fund to eligible recipients for the development, operation or awareness of prevention programs and prevention policies under this chapter.

[PL 1993, c. 600, Pt. A, §16 (NEW).]

3. Administrative expenses. Income must be allocated for the support of administrative expenses as follows.

A. The board may expend, for administrative expenses, no more than 45% in calendar year 1994, 40% in calendar year 1995, 35% in calendar year 1996, 30% in calendar year 1997 and 25% in calendar year 1998 of annual revenues from the state income tax checkoff contributed by individuals. After 1998, the board may expend, for administrative expenses, no more than 20% of annual revenues from the state income tax checkoff contributed by individuals. [PL 1993, c. 600, Pt. A, §16 (NEW).]

B. [PL 1997, c. 149, §3 (RP).]

[PL 1997, c. 149, §3 (AMD).]

4. Discretion. The board has sole discretion in the use of resources from sources other than the income tax checkoff by individuals.

[PL 1997, c. 149, §4 (AMD).]

5. Endowment fund. An endowment fund is established pursuant to this subsection. A minimum of 10% of tax checkoff revenue received each year from individuals must be set aside for allocation to the segregated endowment fund. Up to 90% of the checkoff revenue and other income received by the endowment fund may be expended annually by the board in accordance with this chapter.

[PL 1993, c. 600, Pt. A, §16 (NEW).]

6. Income greater than \$200,000. At least 1/3 of the total annual revenue that exceeds \$200,000 must be allocated to the endowment fund established under subsection 5.

[PL 1993, c. 600, Pt. A, §16 (NEW).]

SECTION HISTORY

PL 1993, c. 600, §A16 (NEW). PL 1997, c. 149, §§3,4 (AMD).

§3886. Limitation of powers

The board, notwithstanding section 3884-A, subsection 1, paragraph F, may not enter into contracts, obligations or 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 faith and credit of the State. [PL 2001, c. 11, §3 (AMD).]

SECTION HISTORY

PL 1993, c. 600, §A16 (NEW). PL 2001, c. 11, §3 (AMD).

§3887. Liability of officers, directors and employees

Officers, directors, employees and other agents of the board entrusted with the custody of the securities of the fund or authorized to disburse the money of the fund must be bonded, either by a blanket bond or individual bonds, with a surety bond or bonds with a minimum limitation of \$100,000 coverage for each person covered by the bond, conditioned upon the faithful performance of their duties, the premiums for which must be paid out of the assets of the fund. [PL 1993, c. 600, Pt. A, §16 (NEW).]

SECTION HISTORY

PL 1993, c. 600, §A16 (NEW).

§3888. Prohibited interests of officers, directors and employees

An officer, director or employee of the trust or a spouse or dependent child of an officer, director or employee of the trust may not receive direct personal benefit from the activities of the trust in assisting a private entity. This provision does not prohibit corporations or other entities with which an officer, director or employee is associated by reason of ownership or employment from participating in prevention programs of the trust, if that ownership or employment is made known to the board and the officer, director or employee abstains from voting on matters relating to that participation. This prohibition does not extend to corporators who are not officers, directors or employees of the trust. [PL 1995, c. 402, Pt. A, §8 (AMD).]

SECTION HISTORY

PL 1993, c. 600, §A16 (NEW). PL 1995, c. 402, §A8 (AMD).

§3889. Donations to the State

The State, through the Governor, may accept donations, bequests, devises, grants or other interests of any nature on behalf of the trust and shall transfer those funds, that property or other interests to the fund. [PL 1995, c. 402, Pt. A, §9 (AMD).]

SECTION HISTORY

PL 1993, c. 600, §A16 (NEW). PL 1995, c. 402, §A9 (AMD).

§3890. Annual report; audit

By February 15th, the board shall provide an annual report and an annual independent audit of its activities to the Governor, the joint standing committee of the Legislature having jurisdiction over human resources matters and the public. The annual report must provide a summary of the fund for the previous fiscal year according to generally accepted accounting principles. [PL 1993, c. 600, Pt. A, §16 (NEW).]

SECTION HISTORY

PL 1993, c. 600, §A16 (NEW).

§3890-A. General conditions; dissolution

The following conditions apply to the operation or dissolution of the fund. [PL 1993, c. 600, Pt. A, §16 (NEW).]

1. Net earnings of the fund. A member, officer, director or employee may not benefit from any part of the net earnings of the fund. Net earnings of the fund may be used to pay reasonable compensation for services rendered and to hold, manage and dispose of its property in furtherance of the purposes of the fund.

[PL 1993, c. 600, Pt. A, §16 (NEW).]

2. Dissolution of fund. Upon dissolution of the fund, the members shall transfer any unexpended General Fund appropriations to the State and pay or make provisions for the payment of all other liabilities of the fund.

All other principal and accrued interest in the fund must be transferred to the Maine Child Abuse Prevention Councils and restricted to the support of primary prevention of child abuse and neglect in the State.

[PL 2009, c. 204, §11 (AMD).]

SECTION HISTORY

PL 1993, c. 600, §A16 (NEW). PL 2009, c. 204, §11 (AMD).

§3890-B. Liberal construction

This chapter must be construed liberally to effect the interests and purposes of the fund for the prevention of child abuse and neglect in the State and must be broadly interpreted to effect the intent and purposes and may not be interpreted as a limitation of powers. [PL 1993, c. 600, Pt. A, §16 (NEW).]

SECTION HISTORY

PL 1993, c. 600, §A16 (NEW).

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