

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2333

H. P. 1841

House of Representatives, January 10, 1974

Referred to the Committee on Education. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Haskell of Houlton.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FOUR

**AN ACT to Provide Continuance of Private Post-Secondary Institutions  
Serving Significant Public Functions.**

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

R. S., T. 20, c. 304, additional. Title 20 of the Revised Statutes is amended by adding a new chapter 304 to read as follows:

**CHAPTER 304**

**BOARD OF PRESERVATION FOR PRIVATE POST-SECONDARY  
EDUCATION**

§ 2261. Board established; membership; expenses

The board, as heretofore created, shall consist of 7 members who shall be appointed by the Governor with the advise and consent of the Council. The members shall serve for a term of 3 years and until their successors shall have been appointed and qualified. A vacancy shall be filled for the unexpired term in accordance with the regular appointment. The members shall take the oath of office prescribed for state officers. Members of the Board shall be subject to removal from office by the Governor and Council for cause. Members of the board shall serve without pay, other than their actual expenses while carrying out the functions of the board.

§ 2262. Duties; meetings

The board is authorized to establish rules, regulations, plans and procedures for continuation by aid acquisition or other available means of private

post-secondary institutions that serve a public, geographic or educational function not otherwise available in public institutions or to continue in existence. The board shall meet immediately after appointment at the call of the commissioner and organize by electing one of their members as chairman, one as vice-chairman and such other officers as the board deems necessary to perfect its organization. Meetings of the board shall be held quarterly in the offices of the department on call of the chairman of the board or the commissioner on 5 days' written notice to the members. If both the chairman and the commissioner shall be absent or refuse to call a meeting, any 3 members of the board may call a meeting by similar notices in writing.

#### § 2263. Authority

The board, in addition to other duties prescribed by law, shall be authorized as follows:

1. Evaluation. To analyze and evaluate private post-secondary institutions and functions to determine if a significant public, geographic or educational function is served;

2. Eligibility. To determine which of those institutions or functions meet public service criteria and are eligible for continuance as private institutions by one of the following means:

A. Allow offering of public tuition rate by the certified institution by paying from public funds a compensating subsidy to the institution;

B. Allow offering of public tuition in adult education by the same method;

C. Develop a loan fund to supplement credit to meet emergency short-term working capital needs of certified private institutions.

In the event continuation procedures are not effective, the board is authorized to certify that negotiations for acquisition by the University of Maine is in the public interest.

#### § 2264. Records and reports

The board shall keep in the office of the commissioner a complete record of the minutes of its meetings and other procedures, and biennially, on the first Monday of January, shall make a report to the Governor. The board shall cause this report to be printed and shall distribute the same to the Members of the Legislature and to the educational officers in the various municipalities of the State. The cost of printing the report shall be paid from the appropriation of the department.

#### § 2265. Recommendations to Legislature

The board shall recommend to the Legislature such new legislation or amendments to existing legislation as they shall deem necessary for the continued conduct of private post-secondary schools of the State.

### STATEMENT OF FACT

The survival of many private institutions of post-secondary education is becoming increasingly problematical. If some private institutions serve a

significant public function, it becomes important to identify them and establish an orderly procedure to assist them to continue, or establish a procedure for acquisition by the State. There are obvious economies in transferring a viable institution as opposed to the alternative.