

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

November 3, 1978

Honorable Bennett D. Katz
27 Westwood Road
Augusta, Maine 04330

Dear Senator Katz:

This is in response to your inquiry as to whether the Board of Trustees of the University of Maine has the authority to change the name of the University of Maine at Portland-Gorham to the University of Southern Maine.

The name, University of Maine at Portland-Gorham, was the result of actions by both the Legislature and the Board of Trustees. Pursuant to P. & S.L. 1961, c. 213, the assets and control of Portland University, which included its School of Law, were transferred to the University of Maine to be an integral part of the University. Pursuant to P. & S.L. 1957, c. 17, the Portland Junior College became part of the University of Maine to be known as the University of Maine in Portland. Pursuant to P. & S.L. 1967, c. 299, § 1-A, the Legislature established a unified institution of higher education, which included Gorham State College, the other state colleges and the University of Maine, "under the name of the University of Maine." The Legislature named each of the University's campuses and designated the Gorham campus to be known as the "Gorham State College of the University of Maine." Pursuant to P. & S.L. 1969, c. 238, § 1, the name University of Maine in Portland was repealed. Pursuant to P. & S.L. 1969, c. 238, § 2, the sentence in P. & S.L. 1967, c. 229, § 1-A specifically naming the various campuses, which included Gorham State College of the University of Maine, was repealed. The remaining language in the University's charter now states that all of the former state colleges, plus the University of Maine and the former Portland Junior College, are all part of a single "cohesive structure of public higher education" established under the name "University of Maine."

In April of 1970, the Board of Trustees adopted certain designations for individual campuses of the University to be effective July 1, 1970. In that action the Board voted to include the Gorham campus, the Portland campus and the School of Law under the single designation "University of Maine at Portland-Gorham." On May 24, 1978, the Board of Trustees voted to change the name of the University of Maine at Portland-Gorham to the University of Southern Maine effective July 1, 1978.

The Legislative Record indicates that at least two Senators thought the amendment in 1970, to delete the legislative designations for the various campuses, would have the effect of having the Board of Trustees, rather than the Legislature, be the party that would determine the names of the campuses. (L.R. 1969, p. 335, 336, Senators Katz and Kellam). Although the University's charter is patently clear that the various campuses are unified under one name, "University of Maine," the Legislature did not address the question of how the various campuses should be designated.

Therefore, in light of the legislative history referred to above, it is appropriate for the Board of Trustees to designate the various campuses for identification purposes as it did in 1970.

Redesignating the Portland-Gorham campus as the "University of Southern Maine" would be consistent with the 1970 designation of campuses by the Board of Trustees. It does not undermine the fact that it is part of the unified concept of there being only one University of Maine which encompasses several campuses. Official acts, such as granting of diplomas or entering into contracts, must still be done in the name of the University of Maine since it is the corporate structure.

Sincerely yours,



DONALD G. ALEXANDER
Deputy Attorney General

DGA/ec

cc: Patrick McCarthy, Chancellor
Francis Brown, Chairman, Board of Trustees
Barnet I. Shur, Esquire
Waldemar G. Buschmann, Esquire