

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

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Legislative Document

No. 1256

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S. P. 497

In Senate, March 2, 1967

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

JERROLD B. SPEERS, Secretary

Presented by Senator Katz of Kennebec.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-SEVEN

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**AN ACT Relating to Public Higher Education.**

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

**Sec. 1. R. S., T. 4, § 451, amended.** The second sentence of Section 451 of Title 4 of the Revised Statutes, as repealed and replaced by section 1 of chapter 240 of the public laws of 1965, is amended to read as follows:

The council shall be composed of the Chief Justice of the Supreme Judicial Court, who shall also serve as chairman, the Attorney General, the Chief Judge of the District Court, and the Dean of ~~the~~ **The University of the State of** Maine School of Law, each to serve ex officio, and an active or retired Justice of the Supreme Judicial Court, 2 Justices of the Superior Court, one Judge of the District Court, one judge of a probate court, one clerk of the judicial courts, 2 members of the bar and 3 laymen, to be appointed by the Governor, with the advice and consent of the Executive Council.

**Sec. 2. R. S., T. 5, § 711, sub-§ 8, amended.** Subsection 8 of section 711 of Title 5 of the Revised Statutes, as amended by section 6 of chapter 513 of the public laws of 1965, is further amended to read as follows:

**8. University of the State of Maine, etc.** Officers and employees of ~~the~~ **The University of the State of Maine, of the several state colleges** and of the unorganized territory school system and the teachers and principals of the school systems in ~~state vocational schools and~~ state institutions. **Officers and employees of the several state colleges and teachers and principals of the school system in state vocational schools until July 1, 1968.**

**Sec. 3. R. S., T. 5, § 1222, sub-§ 6, amended.** Subsection 6 of section 1222 of Title 5 of the Revised Statutes is amended to read as follows:

**6. Political subdivision.** The term "political subdivision" includes an instrumentality of the State of Maine, of one or more of its political subdivisions, ~~the~~ **The University of the State of Maine**, academies, water, sewer and school districts and associations of municipalities, or an instrumentality of the State and one or more of its political subdivisions, but only if such instrumentality is a juristic entity which is legally separate and distinct from the State or subdivision and only if its employees are not by virtue of their relation to such juristic entity employees of the State or subdivision.

**Sec. 4. R. S., T. 5, § 1742, sub-§ 22, additional.** Section 1742 of Title 5 of the Revised Statutes is amended by adding a new subsection 22, to read as follows:

**22. The University of the State of Maine. The University of the State of Maine is exempt from the provisions of this chapter effective July 1, 1968.**

**Sec. 5. R. S., T. 5, § 1812, amended.** The second paragraph of section 1812 of Title 5 of the Revised Statutes is amended to read as follows:

The trustees of ~~the~~ **The University of the State of Maine**, the State Board of Education and the directors of the Maine Port Authority may authorize the Department of Finance and Administration to act for them in any purchases.

**Sec. 6. R. S., T. 7, § 191, amended.** Section 191 of Title 7 of the Revised Statutes is amended to read as follows:

**§ 191. Purpose**

In order to aid in diffusing among the people of this State useful and practical information on subjects relating to agriculture, home economics and rural life and to encourage the application of the same, there may be inaugurated in each of the several counties of the State extension work which shall be carried on in cooperation with ~~the~~ **The University of the State of Maine College of Agriculture**.

**Sec. 7. R. S., T. 7, § 192, amended.** The 2nd sentence of section 192 of Title 7 of the Revised Statutes is amended to read as follows:

This work shall be carried on in each county in such manner as may be mutually agreed upon by the executive committee of the county extension association provided for in Section 193, and the trustees of ~~the~~ **The University of the State of Maine College of Agriculture** or ~~their~~ **its** duly appointed representatives.

**Sec. 8. R. S., T. 7, § 193, amended.** The 2nd sentence of section 193 of Title 7 of the Revised Statutes is amended to read as follows:

Such county extension association shall have adopted a constitution and set of bylaws acceptable to ~~the~~ **The University of the State of Maine College of Agriculture** and they shall be recognized as the official body within said county or counties for carrying on extension work in agriculture and home economics within said county or counties in cooperation with ~~the~~ **The University of the State of Maine College of Agriculture**.

**Sec. 9. R. S., T. 7, § 195, amended.** Section 195 of Title 7 of the Revised Statutes is amended to read as follows:

### § 195. Annual reports

It shall be the duty of each said county extension association, annually, on or before the 10th day of December, to present its plan of extension work for the ensuing year and to render to both the trustees of ~~the~~ **The University of the State of Maine College of Agriculture** and the county commissioners a full detailed report of its extension activities for the preceding fiscal year, including a detailed report of its receipts and expenditures from all sources. The financial report of such county extension association shall be on such forms as may be prescribed by the trustees of ~~the~~ **The University of the State of Maine College of Agriculture**.

**Sec. 10. R. S., T. 7, § 2154, amended.** The 3rd sentence of section 2154 of Title 7 of the Revised Statutes is amended to read as follows:

In addition the board shall have authority to work with and through the Maine Agricultural Experiment Station of ~~the~~ **The University of the State of Maine**, in conducting and carrying on a program of production of foundation seed potatoes annually.

**Sec. 11. R. S., T. 10, § 402, amended.** The first paragraph of section 402 of Title 10 of the Revised Statutes is amended to read as follows:

The Commissioner may employ division directors, deputies, assistants, industrial development specialists and such other employees as may be necessary, subject to the Personnel Law; employ or engage with the approval of the Governor and Council such outside technical or professional consultants as may be necessary or appropriate to assist the department in carrying out its functions; and may enter into contracts with other boards, commissions, departments and divisions of the State or with ~~the~~ **The University of the State of Maine** to assist him or any division of the department in carrying out this chapter.

**Sec. 12. R. S., T. 17, § 3851, amended.** Section 3851 of Title 17 of the Revised Statutes as amended by chapter 119 of the public laws of 1965 is amended to read as follows:

### § 3851. Lands appurtenant to state institutions

Whoever willfully trespasses upon lands which belong to the State and are appurtenant to the Pineland Hospital and Training Center, Reformatory for Women, Reformatory for Men, Stevens Training Center, Boys Training Center or the Maine State Prison, or whoever shall unlawfully interfere with the inmates of any of said institutions, or, whoever willfully trespasses upon land or buildings of ~~the~~ **The University of the State of Maine**, after notice from an officer of any of said institutions or ~~the~~ **The University of the State of Maine** to leave said lands or buildings, remains thereon, shall be punished by a fine of not more than \$50 or by imprisonment for not more than 3 months.

**Sec. 13. R. S., T. 17, § 3956, amended.** The first paragraph of section 3956 of Title 17 of the Revised Statutes, is amended to read as follows:

No person or individual shall sell, utilize, install or have installed within this State equipment, devices or methods whereby fence wires may be energized with

electricity unless a standard type of controller is used, which has the approval of the Underwriter's Laboratories and carries such label thereon or has the approved listing of the Department of Industrial Cooperation at ~~the~~ **The University of the State of Maine.**

**Sec. 14. R. S., T. 20, § 57, repealed.** Section 57 of Title 20 of the Revised Statutes, as amended by section 1 of chapter 440 of the public laws of 1965, is repealed effective July 1, 1968.

**Sec. 15. R. S., T. 20, § 102, sub-§ 13, repealed.** Subsection 13 of section 102 of Title 20 of the Revised Statutes, as amended by section 29 of chapter 513 of the public laws of 1965, is repealed effective July 1, 1968.

**Sec. 16. R. S., T. 20, § 2218, amended.** The first paragraph of section 2218 of Title 20 of the Revised Statutes, as enacted by section 1 of chapter 443 of the public laws of 1965, is amended to read as follows:

There shall be created a State Scholarship Board, hereinafter in this chapter called the "board," consisting of the Commissioner of Education ~~the President of the University of Maine, the chairman of the Higher Education Council of Maine,~~ the chairman of the State Board of Education, ~~one member to be appointed by the Governor from among the presidents of the several state teachers colleges~~ **an officer of the university to be designated by the trustees thereof,** the President of the Maine Teachers Association and the chairman of the Governor's Advisory Committee on Education.

**Sec. 17. R. S., T. 20, § 2252, repealed and replaced.** Section 2252 of Title 20 of the Revised Statutes is repealed and the following enacted in place thereof:

**§ 2252. Name of university; state agency**

The name of the University of Maine is changed to "The University of the State of Maine" and it is declared to be an instrumentality and agency of the State for the purpose for which it was established and for which it has been managed and maintained under the private and special laws of 1865, chapter 532, and supplementary legislation relating thereto.

**Sec. 18. R. S., T. 20, § 2253, amended.** The first 2 sentences of section 2253 of Title 20 of the Revised Statutes are amended to read as follows:

Endowment, trust and other nonexpendable funds for investment held by the trustees of ~~the~~ **The University of the State of Maine,** which have been and may be hereafter created and established by private donors for the benefit of said university or for any purpose related directly to the activities of said university, shall be preserved in their several separate identities in the books of account of the university and administered according to the terms of the gift. The trustees of ~~the~~ **The University of the State of Maine,** for the purpose of investment only, and in order to afford to each fund the advantage of a diversification of risk wider than can be obtained by preserving the investment unity of each fund, and in the absence of any conditions or restrictions to the contrary made by the donor, may combine, pool and merge any such funds with other similar funds, and account for profits, losses and income to each individual fund in the proportion which its value bears to the total value of the merged fund as of the date of merger.

**Sec. 19. R. S., T. 20, § 2254, amended.** Section 2254 of Title 20 of the Revised Statutes is amended to read as follows:

**§ 2254. Treasurer; compensation**

The trustees of ~~the~~ **The University of the State of Maine** shall appoint a full-time treasurer who shall give bond for the faithful performance of his duties in such amount and with such conditions and sureties and shall receive such compensation as the said trustees may determine.

**Sec. 20. R. S., T. 20, § 2255, amended.** The first sentence of section 2255 of Title 20 of the Revised Statutes is amended to read as follows:

The treasurer of ~~the~~ **The University of the State of Maine** shall receive and have custody of all moneys received for ~~the~~ **The University of the State of Maine**, and shall make all expenditures upon vouchers authenticated and approved in a manner designated by the trustees.

**Sec. 21. R. S., T. 20, §§ 2301-2305, repealed.** Sections 2301 to 2305 of Title 20 of the Revised Statutes, as amended by sections 1 to 6 of chapter 273 of the public laws of 1965, are repealed, effective July 1, 1968.

**Sec. 22. R. S., T. 20, § 2306, amended.** Section 2306 of Title 20 of the Revised Statutes, as amended by section 7 of chapter 273 of the public laws of 1965, is further amended to read as follows:

**§ 2306. State scholarships**

The ~~state board~~ **trustees of The University of the State of Maine** shall develop and administer a plan for awarding scholarships to selected students enrolled in the teacher ~~training~~ **education** courses of the ~~state colleges~~ **university of the State** who have evidenced qualifications of general worth and professional promise as potential teachers, ~~and who have demonstrated ability and willingness to support their educational expenses, but who may be in need of partial financial assistance with respect to their education costs.~~ Each scholarship shall not exceed \$300 in any one year. The board may at its discretion, reduce the amount of any particular award, when such a reduction would better serve the need of any otherwise eligible recipient. Amounts available for such scholarships shall be distributed annually by the board to the 5 state colleges in the following manner:

1. \$1,500 ~~or 5 full scholarships per school.~~ \$1,500, or the equivalent of 5 full scholarships, to each college;

2. Allocation of balance. Allocation of the balance of the scholarship fund to the 5 state colleges in the same proportions as the proportion of each institution's enrollment in teacher training courses bears to the total student teacher training enrollment of the 5 institutions for the fall semester of the current year.

**Sec. 23. R. S., T. 20, § 2355 and 2356, repealed.** Sections 2355 and 2356 of Title 20 of the Revised Statutes are repealed, effective July 1, 1968.

**Sec. 24. R. S., T. 20, § 2357, amended.** The first sentence of section 2357 of Title 20 of the Revised Statutes is amended to read as follows:

The ~~state board~~ trustees of **The University of the State of Maine** shall develop and administer a plan for awarding scholarships to selected students enrolled ~~at~~ in the ~~Maine Vocational Technical Institute~~ **programs of the University**, whose records provide evidence of the possession of such qualifications as are necessary to successfully complete the course and become competent craftsmen in a trade or industrial pursuit, and who have demonstrated ability and willingness to support the expenses of their training, but who may be in need of partial financial assistance to pay the costs of attendance at the ~~institute~~ **university**.

**Sec. 25. R. S., T. 20, § 2601, amended.** The 3rd sentence of section 2601 of Title 20 of the Revised Statutes is amended to read as follows:

One member of the committee shall be a representative of the State Department of Education, one member of the committee should be a representative of ~~the~~ **The University of the State of Maine** and the remaining members shall be citizens of the State of Maine.

**Sec. 26. R. S., T. 20, § 2603, amended.** Section 2603 of Title 20 of the Revised Statutes is amended to read as follows:

**§ 2603. Powers and duties**

The Committee on Educational Television is empowered and authorized to act as follows:

**1. Recommendations.** To make such recommendations to the trustees of ~~the~~ **The University of the State of Maine** as it deems necessary relating to the appointment of professional, clerical or other assistants, location of educational television stations and construction and equipment of said stations necessary to carry out the purposes of this chapter;

**2. Programs.** To give its advice ~~and consent~~ to the trustees of ~~the~~ **The University of the State of Maine** for the educational television programs to be transmitted by the network.

**Sec. 27. R. S., T. 20, § 2605, amended.** Section 2605 of Title 20 of the Revised Statutes is amended to read as follows:

**§ 2605. Construction of state-wide network**

The University of **the State of Maine** is authorized to acquire real estate, construct, operate, manage and equip transmission and microwave television facilities and to interconnect with any other television network or station within or without this State for the purpose of providing a state-wide educational television network for the transmission of educational television to pupils in the schools, colleges, university and adult audiences throughout the State; and ~~the~~ **The University of the State of Maine** is authorized to enter into contracts for the construction of said facilities, contracts for personal services necessary for the management and operation of said facilities and any other contracts deemed necessary to carry out the purposes of this Chapter.

**Sec. 28. R. S., T. 20, § 2803, sub-§ 1, amended.** Subsection 1 of section 2803 of Title 20 of the Revised Statutes is amended to read as follows:

1. **President of The University of the State of Maine.** The President of ~~the~~ The University of the State of Maine, ex officio, in office as the time being;

**Sec. 29. R. S., T. 22, § 2884, amended.** The last sentence of section 2884 of Title 22 of the Revised Statutes is amended to read as follows:

Subject to this chapter, it shall be lawful for ~~the~~ The University of the State of Maine, Colby College, Bates College and Bowdoin College or any recognized medical school in New England to receive such bodies for the promotion of medical education, which shall be construed to include nursing training and premedical education.

**Sec. 30. R. S., T. 32, § 2001, amended.** The last sentence of the first paragraph of section 2001 of Title 32 of the Revised Statutes is amended to read as follows:

The other 3 members shall be appointed by the Governor, one of whom shall be a plant pathologist who is either on the state or The University of the State of Maine staff and part of whose work is concerned with trees and 2 of whom shall be licensed commercial arborists, each of whom shall have been so engaged continuously for a period of 10 years prior to his appointment.

**Sec. 31. R. S., T. 36, § 4311, sub-§ 2, amended.** Subsection 2 of section 4311 of Title 36 of the Revised Statutes is amended to read as follows:

2. **Balance of funds.** The remainder for the purpose of conducting scientific research and extension work relating to the production, processing and marketing of blueberries through the Maine Agricultural Experiment Station and the ~~Agricultural~~ Extension Service of ~~the~~ The University of the State of Maine, in such manner and amounts as the trustees of the university shall determine. Any unexpended balance from the above apportionment shall not lapse but shall be carried forward to the same fund for the next fiscal year.

**Sec. 32. P. & S. L., 1865, c. 532, § 2, amended.** The first 2 sentences of section 2 of chapter 532 of the private and special laws of 1865 are amended to read as follows:

~~The trustees shall annually elect one of their number to be president of the board. They~~ The trustees shall appoint a clerk and treasurer, both of whom shall be sworn, and shall hold their offices at the pleasure of the trustees.

**Sec. 33. P. & S. L., 1867, c. 362, repealed.** Chapter 362 of the private and special laws of 1867 is repealed.

**Sec. 34. P. & S. L., 1869, c. 192, § 1, repealed.** Section 1 of chapter 192 of the private and special laws of 1869 is repealed.

**Sec. 35. P. & S. L., 1897, c. 551, repealed.** Chapter 551 of the private and special laws of 1897 is repealed.

**Sec. 36. P. & S. L., 1903, c. 223, § 6, additional.** Chapter 223 of the private and special laws of 1903 is amended by adding a new section 6, to read as follows:



**Sec. 6. Title to land and buildings.** From and after July 1, 1968 said land and buildings and any addition thereto acquired prior to said date shall be held by The University of the State of Maine.

**Sec. 37. P. & S. L., 1925, c. 5, amended.** The first paragraph of chapter 5 of the private and special laws of 1925, including the headnote, is repealed and the following enacted in place thereof :

**Sec. 1. Certain conveyances of real estate in Town of Gorham relating to Gorham Academy and State Normal School, ratified and made valid.** The following deeds of transfers of real estate in the Town of Gorham are hereby ratified, confirmed and validated for the purposes therein set forth, and of transferring title to the real estate described therein, viz :

**Sec. 38. P. & S. L., 1925, c. 5, § 2, additional.** Chapter 5 of the private and special laws of 1925 is amended by adding a new section 2, to read as follows :

**Sec. 2. Title to land and buildings.** From and after January 1, 1968, said land and buildings and any addition thereto acquired prior to said date shall be held by The University of the State of Maine.

**Sec. 39. P. & S. L., 1935, c. 10, § 1, amended.** The first sentence of section 1 of chapter 10 of the private and special laws of 1935 is amended to read as follows :

The organization of **The University of the State of Maine Foundation** is hereby ratified and confirmed.

**Sec. 40. P. & S. L., 1935, c. 10, § 4, amended.** Section 4 of chapter 10 of the private and special laws of 1935 is amended to read as follows :

**Sec. 4. Trustee of trust funds.** This corporation may be appointed trustee of trust funds held for the benefit of ~~the~~ **The University of the State of Maine**, its faculty or students, or any members of either body or for any or all of the corporate purposes of this corporation.

**Sec. 41. P. & S. L., 1941, c. 37, § 9, additional.** Chapter 37 of the private and special laws of 1941, as amended by chapters 97 and 102 of the private and special laws of 1941, chapters 16 and 20 of the private and special laws of 1943, chapter 87 of the private and special laws of 1945, chapter 24 of the private and special laws of 1947, chapter 39 of the private and special laws of 1949, chapters 68 and 145 of the private and special laws of 1959, chapter 71 of the private and special laws of 1961 and chapter 164 of the private and special laws of 1965 is further amended by adding at the end thereof a new section 9, to read as follows :

**Sec. 9. Transfer of assets.** The trustees of **Maine Maritime Academy** are authorized and directed to transfer, assign and convey to **The University of the State of Maine** all of the physical assets, real and personal, belonging to and used in connection with said academy and the trustees of **The University of the State of Maine** are authorized and directed to accept title to the said assets when transferred and conveyed and said university shall thereupon assume the care, control and disposition of said property together with all its duties and legal

**obligations and management of its former affairs. Upon completion of the transfer of assets the corporate existence of said academy shall terminate.**

**Sec. 42. P. & S. L., 1951, c. 122, repealed.** Chapter 122 of the private and special laws of 1951 is repealed.

**Sec. 43. P. & S. L., 1951, c. 164, repealed.** Chapter 164 of the private and special laws of 1951 is repealed.

**Sec. 44. P. L., 1883, c. 196, repealed.** Chapter 196 of the public laws of 1883 is repealed.