

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

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Legislative Document

No. 1257

S. P. 495

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 Creating the Maine Higher Education Development Authority.**

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

**Sec. 1. R. S., T. 20, c. 325, additional.** Title 20 of the Revised Statutes is amended by adding a new chapter 325, as follows:

**CHAPTER 325**

**HIGHER EDUCATION DEVELOPMENT AUTHORITY**

**§ 2821. Maine Higher Education Development Authority; purposes**

The Maine Higher Education Development Authority is created and established a body corporate and politic and constituted a public instrumentality of the State, and the exercise by the authority of the powers hereof shall be deemed and held to be the performance of essential governmental functions.

Its purposes shall be:

1. **Marshal resources.** To marshal all higher education resources in Maine—public and private—to the utilization of federal funds for the purposes intended to meet the State's higher education needs;
2. **Administration.** To be designated as the agency within the State for the administration of state-sponsored programs to which all students or all institutions, public and private, should have access, i.e., state scholarship and loan programs;
3. **Advice to institutions.** To provide continual advice and assistance to the higher education institutions in the use of funds and the preparation of proposals for them;

4. Administer federal programs. To identify appropriate institutions, organizations or agencies in the State, including the authority itself, to administer federal higher education programs where this is a State responsibility;

5. Advise Governor and Legislature. To advise the Governor and Legislature on the need for matching and supplemental funds and on other legislative or administrative actions necessary to insure that full advantage can be taken of federal funds;

6. State funds. To be appropriately staffed and financially supported by state funds to cover the wide range of services needed by the higher education institutions if better use is to be made of federal funds;

7. Accounting. To maintain an up-to-date accounting of all federal funds in the State being used in the support of higher education activities and services;

8. Report. To report biennially to the Governor, Legislature and the people of the State on its activities and services.

§ 2822. Board of directors; officers; executive secretary

The board of directors of the Maine Higher Education Development Authority shall be made up of 10 persons, who are broadly representative of all public and private higher education institutions in the State, including trustees, faculty and administrators from both public and private higher education institutions. The Commissioner of Education and chairman of the Higher Education Council of Maine shall serve as members ex officio. The members shall be appointed by the Governor from a slate of at least twice the number to be appointed presented to him by the Higher Education Council of Maine. Originally 2 shall be appointed for 5-year terms, 2 for 4, 2 for 3, 2 for 2 and 2 for one. Subsequent appointments shall be for full 5-year terms. Any vacancy shall be filled by the Governor for the unexpired balance of the term. The authority shall elect one of its members as chairman, one as vice-chairman, one as treasurer, and shall employ an executive secretary. The executive secretary and treasurer shall be bonded as the authority shall direct. Six members of the authority shall constitute a quorum. No vacancy in the membership of the authority shall impair the right of the quorum to exercise all rights and perform all the duties of the authority.

All the members of the authority shall serve without pay but shall be reimbursed for their actual traveling and other expenses incurred in the performance of their official duties.

The executive secretary shall be appointed by the authority and his tenure of office shall be at the pleasure of the authority. He shall receive such compensation as shall be fixed by the authority.

The executive secretary shall be the chief administrative officer for the authority and as such shall direct and supervise the administrative affairs and technical activities of the authority in accordance with rules, regulations and policies as set forth by the authority.

§ 2823. Powers

The authority is authorized and empowered:

1. **Bylaws.** To adopt bylaws for the regulation of its affairs and the conduct of its business;
2. **Seal.** To adopt an official seal and alter the same at pleasure;
3. **Office.** To maintain an office at such place or places within the State as it may designate;
4. **Sue and be sued; service of process.** To sue and be sued in its own name, plead and be impleaded;

Service of process in any action shall be made by service upon the executive secretary of said authority either in hand or by leaving a copy of the process at the office of the executive secretary.

5. **Employees.** To employ such assistants, agents, consultants and other employees as may be necessary or desirable for its purposes and to fix their compensation; and to utilize the service of other governmental agencies;
6. **Use of property; powers and duties.** To acquire, hold and dispose of real and personal property and make and enter into all contracts, leases, agreements and arrangements necessary or incidental to the performance of its duties and the execution of its powers;
7. **Loans from and agreements with federal agency.** To accept and disburse from a federal agency, loans or grants and to enter into agreements with such agency respecting any such loans or grants;
8. **Express powers.** To do all acts and things necessary or convenient to carry out the powers expressly granted.

**Sec. 2. R. S., T. 20, § 3672, amended.** Section 3672 of Title 20 of the Revised Statutes is amended to read as follows:

§ 3672. **Maine Higher Education Development Authority as state agency**

The ~~board~~ **Maine Higher Education Development Authority** is designated as the sole agency for administering the funds allotted under any federal act providing for financial assistance in the construction of school facilities, and it is authorized to make such certifications to the United States Commissioner of Education as are necessary to entitle the State to receive the benefits of such act, including the authority to elect that any portion of such a federal allotment be in the form of a commitment by the Federal Government to make direct payments of interest and principal on debts of local agencies for the construction of school facilities.

**Sec. 3. R. S., T. 20, § 3673, amended.** The 2nd sentence of section 3673 of Title 20 of the Revised Statutes is amended to read as follows:

Said treasurer is authorized to receive and to provide for the proper custody of such funds and to make disbursements therefrom upon the order of the ~~board~~ **authority**, its executive officer or other legal authority.

**Sec. 4. R. S., T. 20, § 3674, amended.** The first sentence of section 3674 of Title 20 of the Revised Statutes is amended to read as follows:

Where federal law requires matching by state funds, the ~~board~~ **authority** is authorized to estimate the appropriations necessary to comply with the requirements of the federal law and to include such estimates in the budget request ~~of the department~~ for appropriations to be made by the Legislature.

**Sec. 5. Appropriation.** There is appropriated from the General Fund to the Higher Education Development Authority the sum of \$13,500 for the fiscal year ending June 30, 1968 and the sum of \$18,000 for the fiscal year ending June 30, 1969 to carry out the purposes of this Act. The breakdown shall be as follows:

HIGHER EDUCATION DEVELOPMENT AUTHORITY

	<b>1967-68</b>		<b>1968-69</b>
Personal Services	(2) \$11,000	(2)	\$15,000
All Other	2,000		3,000
Capital Expenditures	500		—
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	\$13,500		\$18,000