

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1693

S. P. 665

In Senate, June 2, 1967

Reported by Minority from Committee on Education. Printed under Joint Rules No. 18.

JERROLD B. SPEERS, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Creating the Maine Higher Education Commission.

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, to read as follows:

CHAPTER 325

HIGHER EDUCATION COMMISSION

§ 2851. **Maine Higher Education Commission; membership; appointment**

The Maine Higher Education Commission, hereinafter in this chapter called the "commission," 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 purpose shall be to extend the opportunity for post-high school education to the youth and citizens of Maine and to coordinate programs of higher education.

The membership of the commission shall consist of 15 persons. The Commissioner of Education shall serve as a voting member ex officio.

Fourteen members shall be appointed by the Governor, with the advice and consent of the Executive Council, for 7-year terms. Originally 2 shall be appointed for 7-year terms, 2 for 6, 2 for 5, 2 for 4, 2 for 3, 2 for 2 and 2 for one year. Subsequent appointments shall be for full 7-year terms. In the appointment of members to the commission at least one but no more than one shall be affiliated with a nonpublic institution of higher education in the State and 2 members but no more than 2 shall be chosen from each of the following: The Board of Trustees of the University of Maine, the Board of Trustees for

the State Colleges, the State Board of Education and one member but no more than one from the Maine Maritime Academy Board. Membership on the commission of representatives of the boards named shall terminate on the expiration of their term of office on the board.

Any vacancy shall be filled by the Governor, with the advice and consent of the Executive Council, for the unexpired balance of the term.

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

§ 2852. Organization of the commission

The commission 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.

3. **Office.** To maintain an office at such place or places within the State as it may designate.

4. **Employees.** To appoint a chief executive officer and employ such staff as it deems necessary or desirable including assistants and consultants within the funds appropriated for this purpose, to establish terms and conditions of employment of its staff, prescribe their duties, fix the compensation of its professional and technical personnel and to utilize the services of other governmental agencies. Any person employed by the commission under this chapter shall be eligible for membership in the Maine State Retirement System.

5. **Contracts.** To enter into contracts or other agreements in discharging its responsibilities.

6. **Advisory committees.** To appoint advisory committees to assist in defining and suggesting solutions for the problems and needs of higher education.

7. **Express powers.** To perform all acts necessary to carry out the powers expressly granted.

§ 2853. Duties and responsibilities

It shall be the duty of the commission:

1. **Master plan for higher education.** To develop a master plan for the coordination of planning for higher education throughout the State and provide for the regular revision of such a plan as may be required by changing conditions and to encourage the governing boards in the initiation of plans for development of higher education and may require any state-supported institution of higher education to submit its plans for development.

2. **Budgets.** To adopt rules and regulations for the preparation and submission to the commission of the operating and capital budget requests of each governing board, to make an assessment of the legislative proposals and budgetary requests of each board in accordance with Title 5, chapter 149, and transmit to the Governor, the Legislature and state budget office the commission's recommendations of appropriations for a coordinated program of higher education in the State. The governing boards, within the limits of the appropriations made

by the Legislature, shall determine the allocation of funds for the operation and maintenance of authorized programs and activities.

3. Plant development. To establish priorities for physical plant development and recommend to the Governor and the Legislature appropriations for planning, building and land acquisition at the state institutions included in this chapter.

4. Approval of new institutions. To evaluate proposals for new institutions, centers, branches or units and to approve them if, in the judgment of the commission, they are qualified for approval.

5. Research. To conduct research and studies of the state's opportunities in higher education, to evaluate and approve proposals for new or expanded educational research, and to encourage programs and activities designed to further the conduct of research and the introduction of modern technology.

6. Approval of programs. To approve and coordinate programs offered by public institutions of higher education in the State.

7. Sharing of facilities. To develop arrangements for the sharing of facilities such as libraries, laboratories and other resources where feasible as an alternative to duplicating facilities.

8. Teacher education. To study and evaluate the teacher education programs at all institutions within its jurisdiction.

9. Extension and continuing education programs. To provide for the coordination on a state-wide basis of extension and continuing education programs.

10. Advisory council. To confer with the Advisory Council for Higher Education for the study of methods and proposals for coordinating the efforts of all such institutions in providing an enriched educational environment for the citizens of Maine.

11. Reports. To prepare and publish annual reports on the condition, progress and needs of higher education in the State and publish such other reports and information concerning higher education as it deems advisable.

§ 2854. Operation of state institutions of higher education

In addition to other powers granted in the statutes, authority and responsibility for the operation of the state's public institutions of higher education shall be vested in:

1. University of Maine. The Board of Trustees of the University of Maine which shall have, in addition to undergraduate, continuing education and extension programs, the exclusive responsibility for programs leading to a doctoral degree and post-baccalaureate professional degrees.

2. State colleges. A board of trustees of the state colleges which shall have special responsibility for the preparation of personnel for the public schools of the State including master's degree programs and other graduate study in education and authority to provide liberal arts programs.

3. State Board of Education. The State Board of Education which shall have responsibility for the state vocational-technical institutes, practical nursing and programs leading to the associate degree in applied science; and

4. **Maine Maritime Academy.** The Maine Maritime Academy which shall have responsibility for instruction of students in nautical training, the science and practice of navigation, seamanship, steam, diesel and electrical engineering, radio communication and ship operation, construction and design.

§ 2855. Disputes

Upon the written request of one of the governing boards authorized to administer a program of public higher education alleging a dispute, disagreement or conflict with another board or boards about providing higher education services or activities, the commission, in accordance with procedures it should adopt and publish, shall hold a hearing or hearings. The findings of the commission shall be binding upon said governing boards.

§ 2856. Definitions

As used in this chapter the following terms shall have the following meanings, unless the context otherwise indicates:

1. **Institution of higher education.** "Institution of higher education" means any university, college, institute, academy or corporation which is authorized by the Legislature to offer one or more programs of post-secondary education leading to one or more degrees and any state-supported post-secondary vocational-technical institute and maritime academy.

2. **Maine Higher Education Commission.** "Maine Higher Education Commission" includes within its jurisdiction for purposes described in this chapter, the University of Maine and all branches and centers, Aroostook State College, Farmington State College, Fort Kent State College, Gorham State College, Washington State College, Central Maine Vocational-Technical Institute, Eastern Maine Vocational-Technical Institute, Northern Maine Vocational-Technical Institute, Southern Maine Vocational-Technical Institute, and any other vocational-technical institute which may be authorized by the Legislature, the Maine Maritime Academy and the central office staff of the Commission for Higher Education.

3. **Program of higher education.** "Program of higher education" means any course of instruction for which college or university-level credit may be given or may be received by transfer and any program offered by any state-supported vocational-technical institute or maritime academy.

Sec. 2. Appropriation. There is appropriated from the General Fund to the Higher Education Commission the sum of \$42,000 for the fiscal year ending June 30, 1969 to carry out the purpose of this Act. The breakdown shall be as follows:

	1968-69
HIGHER EDUCATION COMMISSION	
Personal Services	(4) \$36,000
All Other	5,000
Capital Expenditures	1,000
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Total	\$42,000