

MAINE STATE LEGISLATURE

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NEW DRAFT OF S. P. 559, L. D. 1634
FIRST SPECIAL SESSION

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1804

S. P. 632

In Senate, January 21, 1970

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

HARRY N. STARBRANCH, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
AND SEVENTY

AN ACT Clarifying Laws Relating to the University of Maine.

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

Sec. 1. R. S., T. 20, § 2606, repealed. Section 2606 of Title 20 of the Revised Statutes is repealed.

Sec. 2. P. & S. L., 1961, c. 247, § 5, repealed. Section 5 of chapter 247 of the private and special laws of 1961 is repealed as follows:

~~Sec. 5. Promotion of political and governmental activities prohibited; penalty for violation. None of the facilities, plant or personnel of any educational television system which is supported in whole or in part by state funds shall be used directly or indirectly for the promotion, advertisement or advancement of any political candidate for any municipal, county, state or federal office or for the purpose of advocating or opposing any specific program, existing or proposed, of governmental action which shall include, but shall not be limited to, constitutional amendments, tax referendums or bond issues. Any person convicted of a violation of any provision of this section shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 11 months, or by both.~~

Sec. 3. P. & S. L., 1865, c. 532, §§ 7-A - 7-C, additional. Chapter 532 of the private and special laws of 1865, as amended, is further amended by adding 3 new sections to read as follows:

Sec. 7-A. Eminent domain. It is hereby declared and determined by the Legislature that public exigency requires that property may be taken by the

University of Maine for the development, maintenance and support of a system of public higher education in the State of Maine, and the trustees of the University of Maine shall have the right to determine in each case that public exigency requires the taking of a particular property or properties, or interest therein, provided that no real property, or interest therein, belonging to a public utility corporation may be acquired without the approval of the Public Utilities Commission or other officer or tribunal having regulatory power over such corporation.

Sec. 7-B. Public exigency. If the trustees of the University of Maine determine that public exigency requires the taking of a particular property or properties or any interest therein for the development, maintenance and support of a system of public higher education in the State of Maine, and are unable to purchase such property or properties or interest therein at what they deem to be a reasonable price, they may adopt and file with the Governor and Council a resolution declaring such public exigency containing the description of the land to be taken sufficiently accurate for its identification, the name or names of the owner or owners of record so far as they can be reasonably determined, and the interest therein to be taken, and request the Governor and Council to take and acquire the property or properties or interest therein for the use of and in the name of the University of Maine by the right of eminent domain. The trustees may join in the same resolution one or more separate properties whether in the same or different ownership and whether or not taken for the same use.

Sec. 7-C. Procedure. If the Governor and Council after public hearing determine that the taking of such property or interest therein is necessary for the development, maintenance and support of the system of higher education in the State of Maine and that the public exigency requires the taking of the property or properties or interest therein, they shall proceed to take said property or properties or interests therein for the use of and in the name of the University of Maine in the manner set forth in the Revised Statutes, Title 1, §§ 811—813, as amended. Prior to the Governor and Council's determination, the Governor and Council shall hold a public hearing at which they shall hear proponents and opponents of the proposed taking and they shall give at least one week's notice of the proposed hearing and the substance thereof by publication of a notice in the state paper and in such other papers of state-wide circulation as they deem necessary.

Sec. 4. P. & S. L., 1957, c. 176, § 3, repealed. Section 3 of chapter 176 of the private and special laws of 1957 is repealed as follows:

~~Sec. 3. Name. Portland Junior College shall become known as University of Maine in Portland.~~

Sec. 5. P. & S. L., 1865, c. 532, § 1-A, amended. The last sentence of section 1-A of chapter 532 of the private and special laws of 1865, as enacted by section 1 of chapter 229 of the private and special laws of 1967, is repealed as follows:

~~Aroostook State College will be named Aroostook State College of the University of Maine, Farmington State College will be named Farmington State~~

~~College of the University of Maine, Fort Kent State College will be named Fort Kent State College of the University of Maine, Gorham State College will be named Gorham State College of the University of Maine and Washington State College will be named Washington State College of the University of Maine.~~

Sec. 6. P. & S. L., 1865, c. 532, § 4-B, sub-§ 2, repealed and replaced. Subsection 2 of section 4-B of chapter 532 of the private and special laws of 1865, as enacted by section 3 of chapter 229 of the private and special laws of 1967, is repealed and the following enacted in place thereof:

2. Chancellor and staff members; duties. The chancellor shall exercise such powers and fulfill such responsibilities as shall be delegated by the board. The chancellor may delegate any of such powers and responsibilities to such members of his staff as he deems necessary.