

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2454

H. P. 1917

House of Representatives, January 25, 1974

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Bither of Houlton, **BY REQUEST.**

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

**AN ACT Creating the Maine Education Commission and
Vesting in the Commission Certain Responsibilities.**

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

Sec. 1. R. S., T. 20, c. 4, additional. Title 20 of the Revised Statutes is amended by adding a new chapter 4 to read as follows:

CHAPTER 4

MAINE EDUCATION COMMISSION

§ 71. Purpose

It is the intent of the Legislature to establish a Maine Education Commission whose primary functions shall be to provide a coordinated and cohesive state-wide system of public elementary, secondary and higher education and guidance for legislation.

§ 72. Definitions

As used in this chapter, public elementary and secondary education shall include all programs from kindergarten through grade 12. Higher education shall include the University of Maine and all its branches established prior to January 1, 1974, and the State Technical-Vocational Institutes heretofore established.

§ 73. Appointment of commission

The Maine Education Commission shall consist of 14 members appointed by the Governor with the advice and consent of the Council, for 7-year terms.

In making appointments, the Governor shall ensure that representation is provided from membership of the State Board of Education, Board of Trustees of the University of Maine, the Maine Maritime Academy, the Advisory Council on Vocational Education, the private college sector, the Legislature and lay citizens.

Initially, the terms shall be as follows: 2 for 7 years; 2 for 6 years; 2 for 5 years; 2 for 4 years; 2 for 3 years; 2 for 2 years and 2 for one year. Subsequent appointments shall be for full 7-year terms. Members are eligible for reappointment once only and shall retire upon reaching the age of 70. Any vacancy shall be filled by the Governor, with the advice and consent of the Council, for the unexpired balance of the term. Members shall serve without pay, but shall receive their traveling and other expenses incurred in the performance of their official duties. The terms of office of the members appointed under this section shall commence 30 days after the effective date of this chapter. The commission shall biennially elect from its membership a chairman and vice-chairman.

The term of office of any member of the State Board of Education, Board of Trustees of the University of Maine and the Maine Maritime Academy, or member of the Advisory Council on Vocational Education appointed to the Maine Education Commission shall terminate on acceptance of such appointment.

§ 74. Duties of commission

The Maine Education Commission shall be responsible for:

1. Planning and coordination of public elementary, secondary and higher education throughout the State;
2. Encouraging the governing boards of each constituent unit to develop plans for orderly expansion and operation of programs within its jurisdiction and shall require the submission of any plans for expansion for commission approval;
3. Establishing an Advisory Council for Higher Education which shall include representatives from public and private institutions to study methods and proposals for coordinating efforts of all post-secondary institutions designed to meet the educational needs of the citizens of Maine;
4. Review and evaluate legislative proposals and budget requests for public elementary, secondary and higher education and make recommendations to the Governor and the Legislature;
5. Conduct research and studies concerning public education;
6. Approve and accredit programs and institutions of higher learning;
7. Employ an executive director and necessary staff and determine the duties and conditions of employment;
8. Prepare and publish annual reports in the condition, progress and needs of elementary, secondary and higher education;

9. Custody of permanent records of attendance and academic achievement of any educational institution ceasing to function.

The commission shall adopt regulations defining the conditions under which approval of plans for expansion and change in program is required.

§ 75. Staff

The commission is authorized to appoint an executive director and may employ such staff as it deems necessary, and establish the terms and conditions of employment, prescribe the duties, and fix the compensation.

§ 76. Retirement status of personnel

Any person employed by the commission, who at the time of employment was a member of the State Retirement System or University of Maine Retirement System, may continue to be a member of said system.

§ 77. Higher Education Facilities Act

The Maine Education Commission is designated as the state agency for the Higher Education Facilities Act of 1963 and is authorized to conduct, either directly or through other appropriate agencies or institutions, comprehensive planning to assist the institutions of higher education in Maine to construct needed classrooms, laboratories and libraries in order to accommodate student enrollments and to meet the demand for skilled technicians and for advanced graduate education as set forth under the Higher Education Facilities Act of 1963, P. L. 88-204, as amended by section 3 of P. L. 89-752 and to accept and disburse all moneys in accordance with this chapter. The staff heretofore employed by the Higher Education Facilities Commission of the Department of Educational and Cultural Resources, on the effective date of this chapter, are transferred to the Maine Education Commission.

§ 78. Authority to confer academic degrees; approval of degree-granting institutions

1. No person, partnership, institution or corporation shall confer academic, educational, literary or professional degrees unless authorized by the Maine Education Commission.

Any educational institution seeking authority to grant any educational, literary or academic degree, or any junior college or similar post-secondary educational institution seeking authority to grant an associate degree, shall make application to the Maine Education Commission.

Upon receipt of such an application, it shall be the duty of the commission to obtain full information regarding the merit of the institution to confer the degree or grant the associate degree. The commission shall seek the advice of the Higher Educational Council in establishing and using those standards which are commonly accepted in the accreditation of American educational institutions and shall evaluate the adequacy of the institutions, buildings, institutional facilities and provisions for the safety and well-being of students; the qualifications of the faculty; the character of the program of studies and the requirements for the award of degrees; practices in the ad-

mission of students; the adequacy of financial resources and the governing policies of the institution.

2. Use of name. No person, school, board, association or corporation shall use in any way the term "junior college," "college" or "university" in connection with an institution, or use any other name, title or descriptive matter tending to designate that it is an institution of higher learning, with the power to grant academic, educational, literary or professional degrees, unless the institution is operating under a certificate of approval by the Maine Education Commission or has been given the right to grant degrees in accordance with this chapter.

This section shall not apply to any persons, school, board, association or corporation which was using any said term or terms in connection with any educational institution operated prior to January 1, 1957.

Any person, partnership, institution or corporation offering or conferring degrees without being duly authorized shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

STATEMENT OF FACT

The purpose of this Act is to implement Recommendations 2 and 3, Public Education, and Recommendation No. 22, Department of Educational and Cultural Services, of the Maine Management and Cost Survey Report for creation of a Maine Education Commission whose functions would be to develop a cohesive system of education and furnish guidance for legislative action. This Act proposes to vest in the Commission overall responsibility for all higher education. The commission would be designated as the state agency for administration of the Federal Higher Education Facilities Act of 1963.

Governor Kenneth M. Curtis, in a special message to the 106th Legislature on January 10, 1974 recommended that this proposal be given further study before legislative action is taken. He has directed the University of Maine, State Board and Department of Educational and Cultural Affairs to jointly consider methods for the development of a coordinated and cohesive system of public educations and prepare recommendations for presentation to the 107th Legislature.