

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 1310**

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S. P. 411

In Senate, March 26, 1975

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Katz of Kennebec.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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### AN ACT Providing for the Establishment of an Interstate Regional College of Veterinary Medicine.

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

Sec. 1. 32 MRSA c. 72 is enacted to read:

#### CHAPTER 72

#### INTERSTATE REGIONAL COLLEGE OF VETERINARY MEDICINE

##### § 483I. Acceptance of offer; authorization of college

This State hereby takes note of and participates in the acceptance of the offer extended by the Commonwealth of Massachusetts in its chapter 644, Acts of 1974 entitled "AN ACT Providing for the Conveyance of Land and Buildings Comprising the Grafton State Hospital to the Commissioner of Administration and Finance to be Held in Abeyance for Use as a Regional Interstate School of Veterinary Medicine," wherein certain real property is made available for the establishment of an interstate regional school of veterinary medicine and in support of higher education on a regional basis. Under the provisions of Articles II and VII of the New England Higher Education Compact, hereinafter called the "compact," to which this State is signatory, the New England Board of Higher Education, hereinafter called "NEBHE," shall be the entity referred to in said law of the Commonwealth of Massachusetts for the acceptance of the real property referred to therein, for the holding of title to said real property and for the establishment of the New England College of Veterinary Medicine, hereinafter called the "college." Such college is hereby authorized to be established and carried forward, and the participation of this State therein is declared in accordance with the terms and provisions of this Act.

**§ 4832. Regional Institution Division**

1. College established. NEBHE shall establish the college and do all things necessary or incidental thereto through a Regional Institution Division, which shall be a separate and distinct entity and which, except as herein specifically provided, shall conduct its affairs entirely separate from other activities and responsibilities of NEBHE.

2. Board of trustees; composition; appointment. The Regional Institution Division shall be under the direction of a board of trustees composed as follows: Three members appointed by each participating state in such manner as its laws may provide. The members from this State shall be appointed by the Governor, with the consent of the Executive Council. One of the 3 members from this State shall be a member of the Board of Trustees of the University of Maine. A member serving for this State pursuant to this section shall cease to be a member of the board of trustees if he ceases to be a resident of this State or ceases to be a trustee of the University of Maine. One member chosen by NEBHE from among its members to represent it and to serve at its pleasure; provided that nothing in this chapter shall be construed to prevent any state, pursuant to subsection 1, from appointing one or more of its NEBHE members as members of the Board of Trustees of the Regional Institution Division.

3. Tenure. The term of a member of the board of trustees from this State shall be for 5 years, except that of those first appointed, one shall serve for 5 years; one shall serve for 3 years and one shall serve for one year. Each such appointee shall serve until his successor has been appointed and duly qualified. A vacancy may be filled for the unexpired term in the same manner as the original appointment.

**§ 4833. Finance**

The capital and operating budgets of the college and of the Regional Institution Division shall be prepared and adopted by the board of trustees. Such adoption shall not be until NEBHE has had draft copies thereof and not less than 60 days to comment thereon.

In order to facilitate performance of their duties and responsibilities by NEBHE and the individuals serving as members thereof, the Regional Institution Division shall provide the executive secretary of NEBHE with sufficient copies of each draft budget and statement in reasonable detail justifying the same and explaining their likely effect on the program of the college. Copies of draft budgets and justification statements shall be available for public inspection at the offices of NEBHE and the Regional Institution Division.

Prior to submitting its comments on a budget, NEBHE on due notice and in accordance with procedures adopted by it shall hold at least one public hearing thereon for the participating states at which representatives of the governors, legislatures and finance officers may present views and question representatives of the Regional Institution Division on the budget and any matters related thereto. Other persons and interested parties may appear.

The development, operation and maintenance of the college shall not place any financial or other burden on any state which has not authorized participation therein nor shall any of such activities impair any of the rights or obligations of the states party to the New England Higher Education Compact and of NEBHE under or arising out of that compact. If in connection with responsibilities conferred upon NEBHE by this chapter NEBHE determines that it will incur any costs or expenses in addition to those which it incurs in the course of its regular business, it may include in its appropriation requests to the states participating in the support of the college such additional requests for funds as may be appropriate in the circumstances. NEBHE shall keep separate accounts of receipts and disbursements relating to the college and shall not commingle funds of the college with funds otherwise held by NEBHE.

Each budget, whether operating or capital outlay, shall be accompanied by or contain such appropriation requests as may be necessary to meet the items of projected expenditure contained therein. Such appropriation requests shall be made separately for each state participating in the college and shall be for the amount or amounts deemed to be the proper pro rata share attributable to that state. Apportionment among the participating states shall be on the basis of the proportion which the population of each state bears to the total population of all participating states, unless the board of trustees, acting for 5-year intervals, shall determine that another formula or method of apportionment is more equitable. In such event, each appropriation request shall be accompanied by or contain a full explanation of the basis on which the apportionment is made and the reasons therefor.

NEBHE shall transmit each budget and appropriation request of the college promptly to the states involved for processing in accordance with the applicable budgetary laws and practices thereof. However, the responsibility for justification of each budget and appropriation request for the college shall be with the board of trustees, unless NEBHE and the board of trustees agree that NEBHE is to undertake the responsibility. Payments of funds appropriated by the participating states for the use of the Regional Institution Division and the college shall be to NEBHE, but shall be deposited in the appropriate account or accounts of the Regional Institution Division.

The board of trustees or NEBHE, with the approval of the board of trustees, may apply for, receive, administer and expend devises, gifts and grants, conditional or otherwise, on behalf of the college. The board of trustees may adopt procedures pursuant to which it may delegate its performance of this function in particular instances to the executive officer of the Regional Institution Division or to officers of the college. However, any such procedures shall set forth the policies in accordance with which devises, gifts and grants are to be solicited and administered and shall include provision for the reporting of any and all applications for and receipts of devises, gifts and grants. The Regional Institution Division shall furnish to NEBHE on a quarterly basis a list of devises, gifts and grants applied for, and of all which have been received, including reasonable detail in each instance as to the donor or grantor, amount and purpose.

Audit and financial reporting for the accounts of the Regional Institution Division and the college shall be provided for by NEBHE pursuant to Article IV of its compact and its bylaws.

§ 4834. Property

On behalf of the college and at the request of or with the consent of the board of trustees, NEBHE may acquire, hold, administer and dispose of real, personal and other property and rights therein appropriate to the performance of its functions pursuant to this chapter.

The property conveyed to NEBHE pursuant to the offer contained in the Act of the General Court of the Commonwealth of Massachusetts, referred to in section 1, shall be held by it for the use and benefit of the states participating in the college and shall not be reconveyed or otherwise disposed of to any other entity or for any purpose other than that of regional veterinary medical education, except with the consent of the General Court of the Commonwealth of Massachusetts and the action of the board of trustees, provided that nothing herein contained shall be construed to prevent or limit the Regional Institution Division, or NEBHE with the consent of the board of trustees, in remodeling, renovating, replacing, or constructing any structures or facilities in order to further the usefulness of the property for any of the purposes of the college.

§ 4835. Conferring of degrees and certificates

This State hereby authorizes the college, by action of the Board of Trustees of the Regional Institution Division, to confer all appropriate earned degrees in veterinary medicine, and honorary degrees in recognition of distinguished service to veterinary medicine and related fields of study or research, and such certificates or other evidence of achievement in veterinary medicine as may be determined by said board of trustees.

§ 4836. Administration and admission of students

The Board of Trustees of the Regional Institution Division shall determine and, from time to time, revise policies with respect to administration of the college, admission of students, rates of student tuition and fees and other charges. Policies governing instruction, student admission and services, and tuition, fees and other charges to persons who are not residents of the states participating in the support of the college under the terms and provisions of this chapter shall be separately stated.

It is the intent of this State, in the matter of the admission of students and other usage of the college, that the college shall hold student spaces and other accommodations for this and other states participating in the support of the college under the terms and provisions of this chapter and acts similar hereto, in direct proportion as this and said other states shall contribute to the capital and operating costs of the college as specified in section 4833. The applicable allotments of students from each participating state shall be determined annually by the board of trustees. In the event that the allotment of such student spaces held for any participating state shall not be filled for any given academic year, such vacancies shall be assigned equitably by the

board of trustees to other participating states from which there are qualified applicants for admission. A participating state receiving a student space allocation in addition to its allotment shall pay pro rata additional operating costs for such space allocations as it utilizes.

The board of trustees is authorized to fix the amounts of student tuition and fees as well as charges for referral and diagnostic services provided by the college and to enter into contracts and to receive income therefrom. In the event of contracts involving the admission and instruction of students who are residents of states not participating in the college, NEBHE is hereby designated as the contract negotiator on behalf of the college, and payments under such contracts shall be processed in the same manner as specified in section 4833. Income from these sources shall be used as operating funds of the college.

#### § 4837. Students from nonparticipating states

It is the intent of this State that, subject to the specific provisions of this chapter, preference be accorded in admissions to and services from the college to participating states and their residents. Nevertheless, it is recognized that circumstances may arise in which capacity is available to accommodate nonresidents and that such accommodation may also benefit students from the participating states by encouraging reciprocal availability for them of educational opportunities in other states. To these ends, the board of trustees may admit students and otherwise provide for services from the college for residents of nonparticipating states. NEBHE shall be the agent of the college in negotiating contracts and arrangements for such nonresident admissions and services in the same manner as it negotiates contracts for other nonresident student placements. However, any contracts relating to student places or other services at or to be furnished by the college shall require the approval of the board of trustees and subscription on behalf of the college in such manner as the board of trustees may direct. The board of trustees may not make arrangements or provide for the admission of any students from nonparticipating states unless all available student spaces have first been offered to participating states and not filled by qualified students from them in accordance with the provisions of this chapter.

#### § 4838. Personnel

The board of trustees shall:

1. **Appoint executive officer.** Appoint the chief executive officer of the college;
2. **Additional personnel.** Provide for the employment of such additional personnel as may be necessary or appropriate to carry out its responsibilities, including the administration, instructional and other personnel engaged in the operation of the college;
3. **Personnel policies.** Adopt and from time to time alter personnel policies for the Regional Institution Division and the college.

**§ 4839. Regulations; bylaws**

The board of trustees shall adopt regulations for the administration of the college and bylaws for the complete conduct of its business and to supplement this chapter and the provisions of the compact, provided that nothing in such regulations or bylaws may be inconsistent with any provisions of this chapter or the compact. Neither the regulations, nor bylaws nor any amendment or revision thereof shall be adopted, except on due notice to each member of the board of trustees and the executive secretary of NEBHE. NEBHE shall be accorded reasonable opportunity to comment thereon prior to action of the board of trustees.

**§ 4840. Initial plans and development**

Anything in this chapter to the contrary notwithstanding, NEBHE shall proceed with such preparatory work as may be appropriate to make the Regional Institution Division and college operational. Upon the establishment of the board of trustees and the qualification of its members, NEBHE and the board of trustees shall arrange for the assumption by the latter of the responsibilities conferred upon the board of trustees by this chapter. NEBHE shall transfer to the board of trustees any further functions or powers conferred on said board by this chapter when the board of trustees so requests.

**§ 4841. Late participation**

In the event that one or more of the New England states do not elect to participate in the original support of the college, but subsequently notify NEBHE of their desire to participate, NEBHE shall, in consultation with the board of trustees, arrange for such participation in such a manner as to provide for said state or states paying an equitable share of the previously incurred capital and current operating costs of the college, and concurrently, being accorded equitable use of the college on the same basis as is accorded each other participating state. The proceeds of any payment, on account of previously incurred capital costs, made pursuant to this section shall be distributed to the other participating states in proportion to the total amounts of their previous contributions to the capital costs of the college.

**§ 4842. Withdrawal; dissolution**

If any state discontinues its participation in the college, it is the intent that the rights and obligations of the withdrawing state shall be determined by negotiation between NEBHE, the board of trustees and such state. Any adjustments or settlements made as a result of such negotiations shall be implemented by NEBHE, the Regional Institution Division and all other affected parties. However, no withdrawing state shall receive any settlement or return of funds or property that would substantially impair the viability of the college or its ability to continue providing programs in veterinary medical education for the benefit of the remaining participating states and students therefrom.

If the college ceases to operate for any reason, the disposition of its assets shall be determined by negotiation among the parties in interest.

**Sec. 2. Effective date.** This Act shall take effect when any 3 or more of the other states, party to the compact pursuant to which NEBHE functions, have enacted legislation substantially similar hereto, provided that one of such states shall be the Commonwealth of Massachusetts.

**Sec. 3. Appropriation.** There is appropriated to NEBHE for the use of the Regional Institution Division and for the use of NEBHE to the extent that NEBHE directly performs functions not yet assumed by the board of trustees pursuant to the Revised Statutes, Title 32, section 4840 the sum of \$32,299 for operating costs and \$147,470 for planning, construction and related costs for the fiscal year ending June 30, 1976.

#### STATEMENT OF FACT

There are presently only 19 schools of veterinary medicine in the United States and none in New England. Very, very few New England students are ever accepted. Consequently, the incidents of veterinarians in this region is far below national average.

This legislation would have Maine join in a unique interstate partnership creating a New England school owned by and operated by the member states. Maine's proportionate financial share based on population would be 8.4% of the total cost. Because this is an innovative regional approach, federal dollars as appropriated, could significantly reduce the necessity for state funding.