

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION

2  
3 ONE HUNDRED AND TENTH LEGISLATURE

4  
5 **Legislative Document**

**No. 1917**

6  
7 S. P. 820 In Senate, February 2, 1982  
Filed by the Joint Standing Committee on Education pursuant to S. P. 580 of the 108th Legislature and approved for introduction by a majority of the Legislative Council under Joint Rule 18.

8 Reported by Senator Clark of Cumberland from the Committee on Education pursuant to Joint Order (S. P. 580) of the 108th Legislature and printed under Joint Rules No. 18.  
MAY M. ROSS, Secretary of the Senate

9  
10 STATE OF MAINE

11  
12 IN THE YEAR OF OUR LORD  
13 NINETEEN HUNDRED AND EIGHTY-TWO

14  
15 **AN ACT to Remove Legislators from Membership**  
16 **on Educational Boards Under**  
17 **Multi-State Compacts.**

18  
19 Be it enacted by the People of the State of Maine as follows:

20 **Sec. 1.** 20 MRSA §2752, 3rd sentence as amended by PL  
21 1969, c. 456, §1, is further amended to read:

22 The board shall consist of 8 resident members from each com-  
23 pacting state, at least 2 of whom shall be members of the  
24 Legislature, chosen in the manner and for the terms provided  
25 by law of the several states parties to this compact.

26 **Sec. 2.** 20 MRSA §2803, first sentence, as amended by  
27 PL 1975, c. 771, §188, is further amended to read:

28 Of the 8 members who shall represent the State of  
29 Maine, one shall be the Chancellor of the University of  
30 Maine ex officio in office at the time being and, one shall  
31 be the Commissioner of Educational and Cultural Services ex  
32 officio in office at the time being, ~~4~~ and 6 shall be named

1 by the Governor for 2-year terms, one shall be a member of  
2 the Senate appointed by the President of the Senate and one  
3 shall be a member of the House of Representatives appointed  
4 by the Speaker of the House.

5 Sec. 3. 20 MRSA §2903, first ¶, 3rd and 4th sentences,  
6 as enacted by PL 1967, c. 452, §1, are amended to read:

7 One of such members shall be the governor; 2 shall be mem-  
8 bers of the state legislature selected by its respective  
9 houses and serving in such manner as the legislature may  
10 determine; and ~~4~~ shall be appointed by and serve at the  
11 pleasure of the governor, unless the laws of the state  
12 otherwise provide. If the laws of a state prevent legis-  
13 lators from serving on the commission, and 6 members shall  
14 be appointed by and serve at the pleasure of the governor,  
15 unless the laws of the state otherwise provide.

16 Sec. 4. 20 MRSA §2922, as amended by PL 1971, c. 611,  
17 §11, is repealed.

18 STATEMENT OF FACT

19 This bill is part of the Joint Standing Committee on  
20 Education's study of the revision of the education laws.  
21 The bill removes the legislative members from the New  
22 England Board of Higher Education and the Maine Education  
23 Council. The board and council are part of 2 multi-state  
24 compacts relating to education. Legislative membership on  
25 the board and council raises questions of constitutionality  
26 under the "separation of powers" and "appointments" clauses  
27 of the Constitution of Maine. This problem may also occur  
28 in other compacts the State has entered into.

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