

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 2177

6
7 H.P. 1652

House of Representatives, March 6, 1984

8 Submitted by the Joint Standing Committee on Education, as approved
9 by the Legislative Council on June 8, 1983.

10 Reported by Representative Locke from the Committee on Education to
which was referred by the Legislative Council the study relative to the report
by NBHE: "Threat to Excellence". Printed under Joint Rule 19.

EDWIN H. PERT, Clerk

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FOUR
16

17 AN ACT to Establish Centers of Excellence
18 in the University of Maine System.
19

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

22 Sec. 1. 20-A MRSA §10901, as enacted by PL 1981,
23 c. 693, §§5 and 8, is amended to read:

24 §10901. Definitions

25 As used in this chapter, unless the context oth-
26 erwise indicates, the following terms have the fol-
27 lowing meanings.

28 1. Trustees. "Trustees" means the Trustees of
29 the University of Maine or University of Southern
30 Maine.

31 2. University. "University" means the Universi-
32 ty of Maine or University of Southern Maine.

1 3. System trustees. "System trustees" means
2 trustees of the University of Maine system.

3 4. University system. University system means
4 the University of Maine system.

5 Sec. 2. 20-A MRSA §10903, as enacted by PL 1981,
6 c. 693, §§5 and 8, is amended to read:

7 §10903. State agency

8 The university system shall be an instrumentality
9 and agency of the State for the purpose for which it
10 was established and for which it has been managed and
11 maintained under Private and Special Law 1865, chap-
12 ter 532, and related supplementary legislation.

13 Sec. 3. 20-A MRSA §10904, sub-§§1 and 2, as en-
14 acted by PL 1981, c. 693, §§5 and 8, are amended to
15 read:

16 1. Accounting. Endowment, trust and other non-
17 expendable funds for investment held by the trustees,
18 which have been or may be created and established by
19 private donors for the benefit of a university or the
20 university system or for any purpose directly related
21 to the activities of the university, shall be pre-
22 served in their several separate identities in the
23 books of account of the university system and admin-
24 istered according to the terms of the gifts.

25 2. Management of individual funds. For the pur-
26 pose of investment only, and in order to afford to
27 each fund the advantage of a diversification of risk
28 wider than can be obtained by preserving the invest-
29 ment unity of each fund, and in the absence of any
30 conditions or restrictions to the contrary made by
31 the donor, the system trustees may combine, pool and
32 merge these funds with other similar funds. The
33 system trustees shall account for profits, losses and
34 income to each individual fund in the proportion
35 which its value bears to the total value of the
36 merged fund as of the date of merger.

37 Sec. 4. 20-A MRSA §10905, as enacted by PL 1981,
38 c. 693, §§5 and 8, is amended to read:

1 §10905. Treasurer; compensation

2 The system trustees shall appoint a full-time
3 treasurer of the university. The treasurer shall
4 give bond for the faithful performance of his duties
5 in an amount and with such conditions and sureties as
6 the system trustees may determine. The compensation
7 of the treasurer shall be set by the trustees.

8 Sec. 5. 20-A, §10906, sub-§2, as enacted by PL
9 1981, c. 693, §§5 and 8, is amended to read:

10 2. Report of treasurer. The treasurer shall
11 prepare a complete report for the period ending on
12 June 30th of each year and forward a copy of the re-
13 port to the Governor, the ~~board of~~ system trustees
14 and the members of the Legislature.

15 Sec. 6. P&SL 1865, c. 532, section 1-A, as
16 amended by P&SL 1969, c. 238, §2, is further amended
17 to read:

18 Section 1-A. Establishment; purposes. To devel-
19 op, maintain and support a cohesive structure of pub-
20 lic higher education in the State of Maine and in
21 full recognition of the principle that each institu-
22 tion of higher education shall have a proper measure
23 of control over its own operations and that its fac-
24 ulty shall enjoy the academic freedoms traditionally
25 accorded institutions of higher education in teach-
26 ing, research and expression of opinions, a system
27 unifying the University of Maine, Gorham State Col-
28 lege, Farmington State College, Aroostook State Col-
29 lege, Washington State College and Fort Kent State
30 College is established under the name of the Univer-
31 sity of Maine System.

32 The university system shall be divided into:

33 A. The University of Maine, including the cam-
34 pus at Orono, Augusta, Machias, Fort Kent,
35 Presque Isle and their satellite programs; and

36 B. The University of Southern Maine, including
37 the campuses at Portland-Gorham, Farmington and
38 their satellite programs.

1 Sec. 7. P&SL 1865, c. 532, section 2, first sen-
2 tence is amended to read:

3 The trustees of each university shall annually
4 elect one of their number to be ~~president~~ chairman of
5 the board.

6 Sec. 8. P&SL 1865, c. 532, section 3 is amended
7 to read:

8 Section 3. The Governor ~~and council~~ shall at all
9 times have the power, by ~~themselves~~ himself, or such
10 committee as ~~they~~ he shall appoint to examine into
11 the affairs of the college, and the doings of the
12 trustees, and to inspect all their records and ac-
13 counts, and the buildings and premises occupied by
14 the college. Whenever the Governor ~~and council~~ shall
15 have reason to believe that the trustees are exercis-
16 ing or attempting to exercise any unlawful powers, or
17 unlawfully omitting to perform any legal duty, they
18 may direct the Attorney General to institute process
19 against the trustees in their corporate capacity, in
20 the nature of a complaint in equity before the Su-
21 preme Judicial Court, in the county in which the col-
22 lege may be established, and the court after notice,
23 shall hear and determine the same, by summary pro-
24 ceeding in term time, or by any judge in vacation,
25 and may make any suitable decree, restraining the
26 trustees from performing or continuing the unlawful
27 acts complained of, for requiring them to perform
28 whatever is unlawfully omitted, and may enforce such
29 decrees. In like manner a complaint may be insti-
30 tuted against any individual trustee, and be heard in
31 the county where he resides, alleging against him any
32 cause deemed by the Governor ~~and council~~ sufficient
33 to disqualify him for the trust; and if in the judg-
34 ment of the court such allegation shall be sustained,
35 a decree shall be made removing such trustee from of-
36 fice, and his place shall be thereby vacated.

37 Sec. 9. P&SL 1865, c. 532, section 4, as enacted
38 by P&SL 1983, c. 33, §1, is repealed and the follow-
39 ing enacted in its place:

40 Section 4. Boards of Trustees.

1 1. The Board of Trustees of the University of
2 Maine system. The Board of Trustees of the Universi-
3 ty of Maine system shall consist of 15 members in-
4 cluding:

5 A. The combined membership of the Boards of
6 Trustees of the University of Maine and the Uni-
7 versity of Southern Maine; and

8 B. The Commissioner of Educational and Cultural
9 Services who shall serve ex officio, act as
10 chairman and vote to break a tie.

11 2. Board of Trustees of the Univeristy of Maine
12 and the Board of Trustees of the University of South-
13 ern Maine. The Board of Trustees of the University
14 of Maine and the Board of Trustees of the University
15 of Southern Maine shall have 7 members each.

16 A. Six members to each board shall be appointed
17 for 5-year terms by the Governor, subject to re-
18 view by the joint standing committee of the Leg-
19 islature having jurisdiction over education and
20 confirmation by the Legislature. Each term shall
21 expire on May 26th of the appropriate year, ex-
22 cept that the retiring member shall serve until a
23 successor is appointed by the Governor and con-
24 firmed by the Legislature. No person accepting
25 an appointment may be a member of the State Board
26 of Education. In making appointments, the Gover-
27 nor shall strive to achieve a membership which is
28 representative of the population of this State.
29 Insofar as feasible when selecting qualified nom-
30 inees to the boards, the Governor shall consider
31 the nominee's sex, professional education and ex-
32 perience and an equitable geographical represen-
33 tation among members. Trustees may serve a maxi-
34 mum of 2 terms, except that an individual ap-
35 pointed to fill an unexpired term of 3 years or
36 less is eligible for appointment for 2 full
37 terms. Vacancies shall be filled by the Gover-
38 nor, subject to review by the joint standing com-
39 mittee of the Legislature having jurisdiction
40 over education and confirmation by the Legisla-
41 ture, for the unexpired balance of the term. In
42 order to restore and maintain rotation of terms
43 of office of trustees, an incumbent trustee who

1 was appointed for a term of 5 years at a time
2 subsequent to the expiration of the term of his
3 predecessor in office shall be deemed to have
4 commenced his 5-year term upon the date of the
5 expiration of the term of office of his predeces-
6 sor rather than from the date of his appointment
7 and qualification. Trustees shall serve without
8 compensation, but may be reimbursed for travel
9 and other expenses incurred in the performance of
10 their official duties.

11 B. One of the members of each board shall be a
12 full-time student at one campus of their Univer-
13 sity at the time of appointment and shall be a
14 permanent resident of the State. To be eligible
15 as a student member, a student must be enrolled
16 for a minimum of 12 credit hours per semester.
17 The student member shall be a full voting member
18 of the Board of Trustees, and shall serve for a
19 2-year term and until a successor is qualified.
20 The Governor shall nominate the student member
21 from a list of 5 eligible students submitted by
22 the University of Maine and the University of
23 Southern Maine organization of student govern-
24 ments. The nomination shall be made within 30
25 days of receiving the list of names and shall be
26 subject to review by the joint standing committee
27 of the Legislature having jurisdiction over edu-
28 cation and confirmation by the Legislature. The
29 student representative shall not come from the
30 same campus in any 2 consecutive terms.

31 C. The Board of Trustees shall meet from time to
32 time at each of the various campuses of their
33 university, whenever reasonably practical.

34 D. A quorum of:

35 (1) The 2 university boards shall be 4 mem-
36 bers; and

37 (2) The university system shall be 4 mem-
38 bers of each university board.

39 E. Voting in the:

40 (1) Two university boards shall be a major-
41 ity of those present and voting; and

1 (2) University system shall be 2/3 of those
2 present and voting.

3 F. The 2 university boards and the system trust-
4 ees may hire consultants or staff to help them
5 carry out their duties.

6 3. Implementation. This section shall not af-
7 fect the variety of appointments nor the length of
8 terms of the trustees appointed to the Board of
9 Trustees prior to the effective date of this section,
10 and each trustee shall continue to serve until the
11 end of the term to which the individual was ap-
12 pointed. The Governor, with the approval of the
13 joint standing committee of the Legislature having
14 jurisdiction over education, shall assign the 15 mem-
15 bers of the present Board of Trustees as equally as
16 possible to one or the other of the 2 new university
17 boards of trustees. If one board has 8 members, it
18 shall function as an 8-member board until one
19 member's term expires or until one member resigns.
20 Any vacancies occurring after the effective date of
21 this section shall be filled in accordance with the
22 provisions of this section. The first vacancy on the
23 board without a student member shall be filled by a
24 student.

25 Sec. 10. P&SL 1865, c. 532, section 4-A, as en-
26 acted by P&SL 1967, c. 229, §3, is amended to read:

27 Section 4-A. Administration; university presi-
28 dents; campus heads; administrative council; advisory
29 committees. The Each board of trustees shall appoint
30 a ~~chancellor~~ president of ~~the~~ their university who
31 shall serve at its pleasure and be chief administra-
32 tive and education officer thereof. ~~The chancellor~~
33 Each president may maintain an office at Augusta and
34 ~~such other~~ offices as ~~the~~ their board of trustees may
35 designate. ~~The chancellor~~ Each president shall nomi-
36 nate and ~~the~~ their board of trustees shall appoint
37 the persons to head the various campuses and shall
38 give ~~said~~ those persons such titles as shall be
39 deemed appropriate. The head of a campus shall not
40 serve concurrently as ~~chancellor~~ a president or as a
41 member of the board of trustees. An administrative
42 council composed of the heads of each institution
43 shall be formed for each university. The ~~board~~

1 boards of trustees shall appoint such advisory com-
2 mittees on behalf of the various campuses and such
3 other advisory committees as may appear desirable.

4 Sec. 11. P&SL 1865, c. 532, section 4-B, as
5 amended by P&SL 1969, c. 238, §3, is repealed and the
6 following enacted in its place:

7 Section 4-B. Duties of the boards of trustees,
8 presidents, administrative council and heads of the
9 various campuses.

10 1. Boards of trustees; duties. The boards of
11 trustees of each university, in consultation with its
12 president, shall:

13 A. Be the governing and planning body of the
14 university;

15 B. Have the responsibility for preparing and ap-
16 proving the operating and capital budgets of its
17 university and present them to the university
18 system board of trustees for approval. The sys-
19 tem board shall present a unified budget in ac-
20 cordance with the direction in the Revised Stat-
21 utes, Title 5, section 1665, and Title 5, chapter
22 153;

23 C. In consultation with the chief administrative
24 officer of each campus and consistent with the
25 overall plan for their university, develop a mis-
26 sion statement and a long-range plan for each
27 campus. They shall review the mission statement
28 and the long-range plan biannually;

29 D. Approve major academic policies developed by
30 the president, such as the addition or termina-
31 tion of academic programs, the standards for ad-
32 mission and standards for receipt of degrees from
33 the campus;

34 E. Develop and implement criteria and policies
35 to assure excellence in programs, teaching and
36 scholarship at the undergraduate and graduate
37 level;

1 F. Develop and implement criteria and policies
2 to assure excellence in research at each of their
3 campuses;

4 G. Develop and implement criteria and policies
5 to assure excellence in public service programs
6 and activities provided by their campuses;

7 H. Pursue on behalf of their campuses endow-
8 ments, grants, gifts, contributions and other
9 private funding support for the benefit of the
10 campuses and their university; and

11 I. Establish and maintain proper relations be-
12 tween their campuses and their programs and the
13 public in order to serve the needs and interests
14 of both.

15 2. Presidents and staff members; duties. The
16 presidents shall exercise such powers and fulfill
17 such responsibilities as shall be delegated by their
18 boards. The presidents may delegate any of such pow-
19 ers and responsibilities to such members of their
20 staff as they deem necessary.

21 3. Head of each campus; duties. The head of
22 each campus shall be the chief administrative and ed-
23 ucational officer thereof. The chief administrative
24 officer shall be responsible for the day to day oper-
25 ation and development of its academic program within
26 the limits defined by their board of trustees and the
27 president of their university; and in addition shall
28 exercise such rights and privileges as are generally
29 recognized in the administering of admissions, cur-
30 riculum development, extra curricular programs, long-
31 range planning within the framework of the overall
32 university plan and supervision of faculty.

33 4. Administrative council. The administrative
34 council shall exercise the following responsibili-
35 ties: Make to their board of trustees, through their
36 president, recommendations which require board action
37 or pertain to policy development; serve as a clear-
38 inghouse for matters referred to it by appropriate
39 officers of individual institutions; and act on mat-
40 ters referred to the council by their president or
41 their board of trustees.

1 Sec. 12. P&SL 1865, c. 532, Section 4-C-1 is en-
2 acted to read:

3 Section 4-C1. Properties, assets and liabili-
4 ties. Property of the university under section 4-C
5 shall be retained by the University of Maine system.
6 Any property, other gifts or income therefrom desig-
7 minated for a particular university or campus shall be
8 allocated by the system trustees for use by that uni-
9 versity or campus.

10 Sec. 13. P&SL 1865, c. 532, section 4-F, first
11 sentence, as enacted by P&SL 1969, c. 117, is amended
12 to read:

13 Section 4-F. Contracts. The Board of Trustees
14 of the University of Maine system shall have authori-
15 ty to authorize with the State of Maine, or any de-
16 partment or agency thereof, or any city, town, dis-
17 trict or other public instrumentality, on such terms
18 and conditions as they shall approve for the furnish-
19 ing to said that university of water and sewer ser-
20 vices.

21 Sec. 14. P&SL 1865, c. 532, section 8-B is en-
22 acted to read:

23 Section 8-B. Appointment of faculty staff and
24 policemen. Notwithstanding any other section, the
25 president of each campus shall nominate and the
26 trustees of each campus appoint faculty for the cam-
27 puses of their university.

28 The trustees of each university, or such adminis-
29 trators of their university as the trustees may desig-
30 minate for this purpose, may appoint persons to act
31 as policemen who shall, within the limits of the
32 property owned by or under the control of the univer-
33 sity, possess all of the powers of policemen in crim-
34 inal cases and civil violations.

35 STATEMENT OF FACT

36 This bill brings the trustees of the public uni-
37 versities and colleges in Maine in closer relation-
38 ship to the delivery system, reduces the upper levels

1 of bureaucracy and thereby reduces administrative
2 costs. Further, it allows the University of Maine
3 and the University of Southern Maine to develop cen-
4 ters of research and graduate studies with separate
5 identities.

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