

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 1813

7
8 H.P. 1297

House of Representatives, January 13, 1986

9 Approved for introduction by a majority of the Legislative Council
10 pursuant to Joint Rule 26.

Reference to the Committee on Education suggested and ordered printed.

11 EDWIN H. PERT, Clerk

Presented by Representative Bost of Orono.

12 Cosponsored by Senator Gauvreau of Androscoggin, Speaker Martin of
Eagle Lake and Senator Perkins of Hancock.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 AN ACT Concerning the Selection of the
19 Chancellor of the University of Maine
20 System.
21

22 **Emergency preamble.** Whereas, Acts of the Legis-
23 lature do not become effective until 90 days after
24 adjournment unless enacted as emergencies; and

25 Whereas, the University of Maine system is cur-
26 rently in the midst of a long-range planning process
27 which is increasingly subject to legislative and pub-
28 lic interest; and

29 Whereas, the chancellor's office will play a
30 pivotal role in the continuation of the planning pro-
31 cess and in the implementation of the plans; and

32 Whereas, the chancellor's office will be vacant
33 by September 1986 and the process by which a succes-
34 sor will be selected must be commenced immediately;
35 and

1 Whereas, there is need for an open and represen-
2 tative process for the selection of the new chancel-
3 lor; and

4 Whereas, in the judgment of the Legislature,
5 these facts create an emergency within the meaning of
6 the Constitution of Maine and require the following
7 legislation as immediately necessary for the preser-
8 vation of the public peace, health and safety; now,
9 therefore,

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

12 P&SL 1865, c. 532, §4-A, as enacted by P&SL 1967,
13 c. 229, §3, is repealed and the following enacted in
14 its place:

15 **Sec. 4-A. Administration.**

16 1. Chancellor; nomination; confirmation; evalua-
17 tion; term. A chancellor of the university shall be
18 chosen as follows.

19 A. The chancellor shall be nominated by a spe-
20 cially created nominating committee consisting of
21 3 members of the board of trustees appointed by
22 the president of the board and representing the
23 various geographical regions of the State; 3 uni-
24 versity faculty members; 3 university students;
25 one professional employee of the university
26 representing University of Maine Professional
27 Staff Association; one classified employee of the
28 university representing Associated Faculties of
29 the University of Maine selected by the board;
30 one alumni of the university selected by the
31 alumni office of the university; and one public
32 member selected by the board. The committee
33 shall elect a chairman from among its members.
34 One of the faculty members and one of the student
35 members shall be from the University of Maine at
36 Orono; and one of the faculty members and one of
37 the student members shall be from the University
38 of Southern Maine. The other faculty and student
39 members shall represent other campuses within the
40 university system.

1 The president's office at each campus shall submit to the board a list containing the name of
2 one candidate for each of the faculty, student,
3 professional employee and classified employee positions on the nominating committee. The board
4 shall select members for those positions from the
5 lists.
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7

8 B. Following selection of a nominee for chancellor, the nominating committee shall immediately
9 notify the board of trustees. The board shall
10 send to both the President of the Senate and the
11 Speaker of the House of Representatives a written
12 notice of the name of the nominee. Confirmation
13 of the nominee shall be as provided in the Maine
14 Revised Statutes, Title 3, section 151. The vote
15 of the Senate shall be taken not later than 45
16 days from the date of the board's written notice
17 of the nomination to the President of the Senate
18 and the Speaker of the House of Representatives.
19 The board of trustees may withdraw a nomination
20 upon the recommendation of the nominating committee at anytime prior to the Senate vote by sending
21 a written notice of withdrawal to the President of the Senate.
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25 C. The board of trustees shall cause a performance evaluation of the chancellor to be conducted
26 each year following his appointment. That evaluation shall be performed by an evaluation committee consisting of 7 members appointed by the
27 board.
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31 The evaluation committee shall consist of one
32 member from each of the following groups: The
33 board of trustees; university faculty; university
34 students; professional employees of the university; classified employees of the university, university
35 alumni; and the public. The committee
36 shall elect a chairman from among its members.
37 The membership of the committee shall represent
38 the various geographical regions of the State;
39 and no more than one member may represent a single campus within the University of Maine system.
40 In carrying out its evaluation, the committee
41 shall provide opportunity for public comment.
42 The evaluation committee shall submit copies of
43
44

1 its annual performance evaluation to the board of
2 trustees and to the joint standing committee of
3 the Legislature having jurisdiction over educa-
4 tion. The recommendations of the evaluation com-
5 mittee shall be nonbinding.

6 D. Upon confirmation, the chancellor shall serve
7 a 5-year term and may serve until a successor is
8 appointed and qualified. The chancellor may be
9 reappointed to additional 5-year terms by the
10 board of trustees without the nomination and con-
11 firmation procedures described in this section.
12 In making a reappointment, the board shall con-
13 sider each of the previous annual performance
14 evaluations of the chancellor provided under this
15 section.

16 2. Campus heads. The chancellor shall nominate
17 and the board of trustees shall appoint the persons
18 to head the various campuses and shall give those
19 persons titles which are deemed appropriate. The
20 head of a campus may not serve concurrently as chan-
21 cellor or as a member of the board of trustees.

22 3. Administrative council. An administrative
23 council composed of the heads of each institution
24 shall be formed.

25 4. The board of trustees shall appoint such ad-
26 visory committees on behalf of the various campuses
27 and such other advisory committees as may appear de-
28 sirable.

29 Emergency clause. In view of the emergency cited
30 in the preamble, this Act shall take effect when ap-
31 proved.

1

STATEMENT OF FACT

2 The purpose of this bill is to amend the way in
3 which the Chancellor of the University of Maine is
4 appointed, reappointed and evaluated. The new method
5 provides for a more open and representative nomination
6 process and for legislative review and confirmation
7 of the chancellor similar to the method for other
8 high-level administrative positions in State Govern-
9 ment. The bill also provides for an annual evaluation
10 of the chancellor's performance, submission of
11 an annual performance evaluation report, and issuance
12 of nonbinding recommendations to the board of trustees
13 and the Legislature. Finally, the bill provides
14 for a fixed 5-year term for the chancellor, rather
15 than serving at the pleasure of the board. Reap-
16 pointment by the board of trustees for additional
17 terms is authorized and the reappointment process
18 must include consideration of all previous perform-
19 ance evaluations. This bill is designed to clarify
20 and improve the relationship between the University
21 of Maine system and the Legislature and, in so doing,
22 provide greater accountability between the University
23 of Maine system, the Legislature and the people of
24 Maine.

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