

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2409

S.P. 945

In Senate, March 10, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BRANNIGAN of Cumberland
Cosponsored by Senator FOSTER of Hancock, Representative CROWLEY of Stockton
Springs and Representative NORTON of Winthrop.

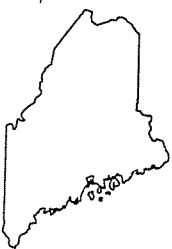
STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

An Act to Improve Educational Public Broadcasting Statewide.

(AFTER DEADLINE)

(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the further development and enhancement of educational noncommercial radio and television programming for Maine people throughout the State is vital to the State's interest; and

Whereas, there exist present opportunities to unify public and private noncommercial educational broadcasting in this State; and

Whereas, encouragement and assistance to take advantage of these opportunities is essential to the advancement of educational noncommercial radio and television broadcasting in this State; and

Whereas, legislation is necessary to authorize the University of Maine System to take advantage of the opportunity to unify public broadcasting in this State for the benefit of all the citizens of Maine; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 20-A MRSA §852, sub-§3 is enacted to read:

3. Transfer of assets and liabilities. The University of Maine System may transfer any assets and liabilities acquired pursuant to this section in order to unify operation in a nonprofit, nonstock private corporation. The University of Maine System retains a reversionary interest in the university's assets as provided for in the articles of incorporation of that corporation. An annual appropriation for operating, constructing equipping, maintaining, improving and replacing facilities of the corporation must be made in amounts sufficient to ensure delivery of broadcast sources throughout the State.

Sec. 2. Transfer authorized. Pursuant to the Maine Revised Statutes, Title 20-A, section 852, subsection 3, the University of Maine System may transfer the assets and liabilities associated with the Maine Public Broadcasting Network, operated by the system, to a Maine nonprofit, nonstock private corporation, referred to in this Act as "the transferee

corporation," formed pursuant to the Maine Revised Statutes, Title 13-B for the purpose of unifying the operations of the Maine Public Broadcasting Network and WCBB, operated by the Colby-Bates-Bowdoin Educational Telecasting Corporation, into a noncommercial statewide public broadcasting network.

The transfer may occur only if the transferee corporation has a board of trustees that includes, among others, the chancellor of the University of Maine System; 3 members representing the Board of Trustees of the University of Maine System; the President of Bates College; the President of Bowdoin College; and the President of Colby College.

The Maine Revised Statutes, Title 13, section 3062 does not apply to the transfer of assets authorized in this section. The Treasurer of the University of Maine System may execute and deliver any document or instrument and take any action necessary or convenient to carry out the transfer of assets and liabilities authorized in this section.

Sec. 3. Budget estimates. The transferee corporation shall prepare and submit its appropriations requirements for consideration pursuant to the Maine Revised Statutes, Title 5, section 1665 in the same manner as public higher education institutions of the State. The appropriation requirements are limited to the costs of constructing, equipping, maintaining, improving and replacing the buildings and equipment for its transmitting facilities, production facilities, master control centers and interconnection equipment that provide signals to its transmitters or other distribution systems, and of operating its transmitting facilities so that the Legislature may appropriate sufficient funds to that corporation for those purposes. Appropriations must be made in amounts to be determined by the Legislature for those purposes.

Sec. 4. State support; intent. The Legislature intends that the State support and provide funding in accordance with section 3 to meet the costs of delivering broadcast services so that all the people of the State may share equitably in the advantages of public broadcasting, regardless of geographic location or economic circumstances.

Sec. 5. Transfer; findings; intent. The Legislature finds that it is in the best interest of the people of the State in all regions to develop, maintain and support a structure of public broadcasting that will ensure the most cohesive and efficient system possible. The Legislature finds that it is desirable to unify the operations of the Maine Public Broadcasting Network, or MPBN, operated by the University of Maine System, and WCBB, operated by

the Colby-Bates-Bowdoin Educational Telecasting Corporation, in a nonprofit corporation that will provide public noncommercial radio and television programs for audiences throughout the State, using broadcast systems and other delivery mechanisms that new technological developments may allow. The Legislature further finds that unifying of the operations of MPBN and WCBB will provide a unique and more valuable service to the people of Maine, producing, promoting and delivering more high-quality programs to all Maine residents; unify the people of this State in all geographic areas by increased public awareness of matters of statewide importance; protect public broadcasting's free press function; offer greater efficiency in delivering the best possible service for the lowest possible cost; retain flexibility for combining federal, state and private financial assistance; and develop the independent fundraising potential that public broadcasting has demonstrated.

The Legislature intends that this Act will bring about the orderly transfer of licenses and operational responsibilities for state-owned educational noncommercial radio and television stations to a nonprofit, nonstock private corporation that will combine the broadcasting facilities and capabilities of MPBN and WCBB.

Sec. 6. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1992-93

**UNIVERSITY OF MAINE, BOARD OF
TRUSTEES OF THE**

Maine Public Broadcasting Network

All Other (\$80,258)

Deappropriates funds not needed.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

STATEMENT OF FACT

This bill authorizes the University of Maine System to transfer the assets of the Maine Public Broadcasting Network to a nonprofit, nonstock private corporation to unify its operations' with those of the Colby-Bates-Bowdoin Educational Telecasting Corporation into a statewide noncommercial public broadcasting

2 network. A reversionary interest is retained by the University
of Maine System. The bill further provides that it is the intent
4 of the State to fund the delivery of public broadcast services
statewide.