

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 481

H.P. 361

House of Representatives, February 9, 1995

Resolve, to Improve Postsecondary Education in the State.

(EMERGENCY)

Received by the Clerk of the House on February 7, 1995. Referred to the Committee on Education and Cultural Affairs and ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads 'Joseph W. Mayo'.

JOSEPH W. MAYO, Clerk

Presented by Representative MITCHELL of Vassalboro.
Cosponsored by Representative WATSON of Farmingdale, Senator O'DEA of Penobscot and Representatives: ADAMS of Portland, AHEARNE of Madawaska, AULT of Wayne, BERRY of Livermore, BRENNAN of Portland, BUNKER of Kossuth Township, CAMERON of Rumford, CLARK of Millinocket, CLOUTIER of South Portland, DAGGETT of Augusta, DAVIDSON of Brunswick, FISHER of Brewer, GERRY of Auburn, GOULD of Greenville, GREEN of Monmouth, HATCH of Skowhegan, JACQUES of Waterville, JOSEPH of Waterville, KEANE of Old Town, KERR of Old Orchard Beach, KILKELLY of Wiscasset, LaFOUNTAIN of Biddeford, LEMAIRE of Lewiston, LIBBY of Buxton, MADORE of Augusta, MITCHELL of Portland, MORRISON of Bangor, MURPHY of Berwick, O'GARA of Westbrook, O'NEAL of Limestone, POULIN of Oakland, POVICH of Ellsworth, ROSEBUSH of East Millinocket, SAXL of Bangor, SHIAH of Bowdoinham, STEVENS of Orono, TREAT of Gardiner, TRIPP of Topsham, WHEELER of Bridgewater, Senators: BUSTIN of Kennebec, CAREY of Kennebec, McCORMICK of Kennebec, RUHLIN of Penobscot.

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

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6 **Whereas,** there are many important and unresolved policy
questions concerning the missions, roles and organizational
structure of the State's higher education institutions; and

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10 **Whereas,** there is an immediate need to address issues
concerning the Education Network of Maine, the interactive
television network of the University of Maine System; and

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14 **Whereas,** immediate formation of a commission to address
higher education issues will aid the Legislature in establishing
policy in higher education; and

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18 **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

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24 **Sec. 1. Moratorium declared. Resolved:** That the Board of
Trustees of the University of Maine System declare a moratorium
on all initiatives by or on behalf of the Education Network of
Maine designed to confer degree-granting authority to the
network; and be it further

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30 **Sec. 2. Commission established. Resolved:** That the Commission
on Higher Education Governance, referred to in this resolve as
the "commission," is established; and be it further

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34 **Sec. 3. Commission membership. Resolved:** That the commission
consists of 7 members appointed as follows:

36 1. Three members, including the chair of the commission,
appointed by the Governor;

38 2. Two members appointed by the President of the Senate; and

40 3. Two members appointed by the Speaker of the House of
Representatives; and be it further

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44 **Sec. 4. Appointments; meetings. Resolved:** That all
appointments must be made no later than 30 days following the
effective date of this resolve. Within 15 days of the
appointment of all members, the Chair of the Legislative Council
shall call and convene the first meeting of the commission; and
be it further

50 **Sec. 5. Duties. Resolved:** That the commission shall:

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1. Review the missions, roles, organizational structure and leadership structure of the State's public institutions of higher education, including the Maine Maritime Academy, the Maine Technical College System and the University of Maine System. The commission shall give particular consideration to responsiveness to public demand for higher education services and programs, diverse citizen interests, public accountability, administrative efficiency and quality of education;

2. Conduct a review of state funding levels among all constituent entities of public higher education in the State in relationship to each other and to national averages and trends;

3. Examine the provision of community college services, associate degree programs, baccalaureate programs and graduate programs to ensure that the full range of needed academic programs are widely available in the State and are delivered with minimum overlap by the appropriate institutions; and

4. Examine the role, scope, nature and resource needs of distance learning through instructional television provided by the University of Maine System; and be it further

Sec. 6. Staff assistance. Resolved: That the commission shall request staffing assistance from the Legislative Council and the University of Maine System. The commission may also contract for necessary professional assistance; and be it further

Sec. 7. Reimbursement. Resolved: That the members of the commission are entitled to receive the legislative per diem and must be reimbursed for expenses upon approval of the chair of the commission and application to the Executive Director of the Legislative Council; and be it further

Sec. 8. Report. Resolved: That the commission shall submit a report outlining its findings pursuant to section 5, together with any necessary implementing legislation, to the Second Regular Session of the 117th Legislature no later than December 15, 1995; and be it further

Sec. 9. Moratorium duration. Resolved: That the moratorium imposed under section 1 remains in effect until March 15, 1996 or until the recommendations of the Commission on Higher Education Governance are reviewed and acted upon by the Second Regular Session of the 117th Legislature, whichever occurs first.

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

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STATEMENT OF FACT

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This resolve requires the Board of Trustees of the University of Maine System to declare a moratorium on all efforts to confer degree-granting status on the Education Network of Maine.

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It also establishes the 7-member Commission on Higher Education Governance. The commission has the following duties:

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1. To review the missions, roles, organizational structures and leadership structures of the State's public institutions of higher education;

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2. To conduct a review of state funding to the State's public institutions of higher education;

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3. To examine the provision of higher education academic programs available statewide to ensure availability and minimum overlap; and

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4. To examine the needs, role, scope and nature of distance learning through instructional television in the State.