

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1718

S.P. 658

In Senate, January 16, 1996

An Act to Repeal and Replace the Charter of Bowdoin College.

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator HARRIMAN of Cumberland.
Cosponsored by Representative DAVIDSON of Brunswick and
Senators: ABROMSON of Cumberland, BEGLEY of Lincoln, BUTLAND of Cumberland,
LAWRENCE of York, SMALL of Sagadahoc, Representatives: BARTH of Bethel,
GWADOSKY of Fairfield, HARTNETT of Freeport, LIBBY of Buxton, MARVIN of Cape
Elizabeth, MAYO of Bath, PEAVEY of Woolwich, ROBICHAUD of Caribou, TRIPP of
Topsham.

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

4 **Whereas,** changes in the Charter of Bowdoin College are
6 necessary to consolidate the governance of the college into one
board and to make certain other changes; and

8 **Whereas,** it is essential that these changes be enacted as
10 soon as possible since it is necessary that this legislation also
be enacted by the General Court of the Commonwealth of
12 Massachusetts due to the provisions of the Articles of
Separation; and

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

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

22 **Sec. 1. The Charter of Bowdoin College, Mass. Laws of 1794, c. 12,** as
24 amended by PL 1977, c. 690, §16, is repealed and the following
enacted in its place:

26 **Sec. 1.** There is established in the Town of Brunswick, Maine,
28 a college for the purpose of education under the name of Bowdoin
College, to be under the governance of a Board of Trustees, as
30 hereafter provided.

32 **Sec. 2.** The College shall be governed by a Board of Trustees
with a minimum number of thirty-five (35) and a maximum number of
34 fifty-six (56), including the President as a Trustee, until the
year 2005 and thereafter with a minimum number of thirty-five
36 (35) and a maximum number of forty-five (45), including the
President as a Trustee.

38 **Sec. 3.** For the more orderly conducting the business of the
40 College, the Board of Trustees shall have full power and
authority, from time to time, to elect a chair and a vice-chair
42 from among their number and a President, a Treasurer and a
Secretary and such other officers as the Board deems necessary;
44 to declare the tenures and duties of their respective offices;
and to elect Trustees for such terms and upon such conditions as
46 they may from time to time determine, and also to remove any
Trustee when, in their judgment, such Trustee becomes incapable
48 or neglects or refuses to perform the duties of the office.

2 Sec. 4. The College may have one common seal; and that all
3 deeds signed and delivered by the Treasurer, or by such other
4 officer as the Trustees may from time to time appoint, and sealed
5 with its seal, by order of the Trustees, shall, when made in the
6 corporate name, be considered in law as the deeds of the College;
7 and that the College may sue and be sued in all actions, real,
8 personal or mixed and may prosecute and defend the same to final
9 judgment and execution; and that the College shall be capable of
10 having, holding and taking, in fee simple or any less estate, by
11 gift, grant, devise or otherwise any lands, tenements or other
12 estate, real or personal.

13 Sec. 5. The College shall have full power and authority to
14 determine at what times and places its meetings shall be held and
15 on the manner of notifying the Trustees to convene at such
16 meetings, and also, from time to time, to elect a President and
17 Treasurer of the College, and such Professors and other officers
18 as it shall judge most for the interest thereof, and to determine
19 the duties, salaries, emoluments and tenures of their several
20 offices aforesaid; and also to purchase, or erect and keep in
21 repair, such houses and other buildings as it shall judge
22 necessary for the College; and also to make and ordain, as
23 occasion may require, reasonable rules, orders and bylaws, not
24 repugnant to the laws of this State, with reasonable penalties,
25 for the good government of the College; and also to determine and
26 prescribe the mode of ascertaining the qualifications of the
27 students requisite to their admission; and also to confer such
28 degrees as are usually conferred by universities established for
29 such education; and a majority of the Trustees present at any
30 legal meeting shall decide all questions that may properly come
31 before them.

32 Sec. 6. The clear rents, issues and profits of all the
33 estate, real and personal, of which the College shall be seized
34 or possessed shall be appropriated to the endowment of the
35 College in such manner as shall most effectually promote virtue
36 and piety, and the knowledge of such of the languages, and of the
37 useful and liberal arts and sciences.

38 Sec. 7. The Treasurer of the College shall give bond to the
39 College, in such amount and with such sureties as the Trustees
40 shall approve of, conditioned for the faithful discharge of the
41 duties of the said office and for rendering a just and true
42 account of the doings therein, when required, and that all the
43 monies, securities and other property of the College, together
44 with all the books in which the accounts and proceedings, as
45 Treasurer, were entered and kept, that appertain to the office of
46 Treasurer as aforesaid, shall, upon demand, be paid and delivered
47 over to the successor in that office; and all monies to be
48 paid to the College, shall be paid to the Treasurer.

2 recovered by virtue of any suits at law, upon such bond, shall be
3 paid over to the College.

4 **Sec. 2. Effective date.** This Act takes effect when approved for
5 the purpose of its submission to the General Court of
6 Massachusetts for its concurrence. It takes effect for all
7 purposes when a certificate is filed with the Secretary of State
8 certifying that the General Court of Massachusetts has granted
9 its concurrence.

10
11 **Emergency clause.** In view of the emergency cited in the
12 preamble, this Act takes effect in accordance with the section of
13 this Act that specifies an effective date.

14
15
16 **STATEMENT OF FACT**

17
18 This bill repeals and replaces the Charter of Bowdoin
19 College and replaces its bicameral governance structure,
20 consisting of a Board of Trustees and a Board of Overseers, with
21 a unicameral governance structure, consisting of a Board of
22 Trustees. The bill also modernizes the Charter, granted in 1794,
23 by deleting a number of now anomolous references, including lists
24 by name of original board members.