

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1557

H.P. 1114

House of Representatives, March 18, 1997

**An Act to Create Efficient and Effective Administration of the
University of Maine System.**

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

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

JOSEPH W. MAYO, Clerk

Presented by Speaker MITCHELL of Vassalboro.
Cosponsored by Representatives: BROOKS of Winterport, KONTOS of Windham,
WATSON of Farmingdale, Senators: CATHCART of Penobscot, LIBBY of York.

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

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Sec. 1. P&SL 1865, c. 532, §2, as enacted by P&SL 1865, c. 532, is amended to read:

Section 2. President, clerk and treasurer; tenure of office of treasurer and clerk; duties of clerk; treasurer to give bond. The ~~trustees~~ Board of Regents shall annually elect one of their number to be president of the board. They shall appoint a clerk and treasurer, both of whom shall be sworn, and shall hold their offices at the pleasure of the ~~trustees~~ board. The clerk shall record all proceedings of the board, and copies of ~~their~~ the board's records certified by ~~him~~ the clerk ~~are~~ evidence in all cases in which the originals might be used. The treasurer ~~shall-be~~ is required to give suitable bond, and to renew the same, whenever the ~~trustees~~ board shall require.

Sec. 2. P&SL 1865, c. 532, §3, as enacted by P&SL 1865, c. 532, is repealed.

Sec. 3. P&SL 1865, c. 532, §4, as amended by PL 1991, c. 147, §2, is further amended to read:

Section 4. Board of Regents. The Board of ~~Trustees~~ Regents of the University of Maine System ~~shall-consist,~~ referred to in this chapter as the "Board of Regents," ~~consists~~ of ~~16~~ 17 members.

1. Commissioner of Educational and Cultural Services. The Commissioner of Educational and Cultural Services ~~shall--serve~~ serves as a voting member ex officio.

2. Members appointed by the Governor. ~~Fourteen~~ Eight members ~~shall-be~~ are appointed for 5-year terms by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over education and confirmation by the Legislature. Each term ~~shall-expire~~ expires on May 26th of the appropriate year, except that the retiring member shall serve until a successor is appointed by the Governor and confirmed by the Legislature. No person accepting such appointment may be a member of the State Board of Education. In making appointments, the Governor shall strive to achieve a membership ~~which~~ that is representative of the population of this State. In so far as feasible when selecting qualified nominees to the board, the Governor shall consider affirmative action criteria, professional education and experience and an equitable geographical representation among the members. ~~Trustees~~ A regent may serve a maximum of 2 terms, except that an individual appointed to fill an unexpired term of 3 years or less is eligible for appointment to 2 full terms. Vacancies ~~shall~~ must be filled by the Governor, subject to review by the joint

2 standing committee of the Legislature having jurisdiction over
education and confirmation by the Legislature, for the unexpired
4 balance of the term. In order to restore and maintain rotation of
terms of office of ~~trustees~~ regents, an incumbent ~~trustee~~ regent
6 who was appointed for a term of 5 years at a time subsequent to
the expiration of the term of his a predecessor in office shall
8 be is deemed to have commenced his the 5-year term upon the date
of the expiration of the term of office of his the predecessor
rather than from the regent's date of his appointment and
10 qualification. ~~Trustees~~----shall Regents serve without
compensation, but may be reimbursed for travel and other expenses
12 incurred in the performance of their official duties.

14 **3. Student member.** One of the members shall must be a
full-time student at one of the campuses of the University of
16 Maine System at the time of appointment and shall must be a
permanent resident of the State. To be eligible as a student
18 member, a student must be enrolled for a minimum of 12 credit
hours per semester. The student member shall-be is a full voting
20 member of the Board of ~~Trustees~~ Regents, and shall serve for a
2-year term and until a successor is qualified. The Governor
22 shall nominate the student member from a list of 5 eligible
students submitted by the University of Maine System organization
24 of student governments. The nomination shall must be made within
30 days of receiving the list of names and shall-be is subject to
26 review by the Joint Standing Committee on Education and
confirmation by the Legislature. The student representative
28 shall may not come from the same campus in any 2 consecutive
terms.

30 **3-A. Alumni members.** The Governor shall appoint to the
Board of Regents, subject to review by the joint standing
32 committee of the Legislature having jurisdiction over education
34 matters and confirmation by the Senate, 7 alumni members, each
one representing each one of the universities in the system. The
36 alumni members shall serve terms of 5 years, except those members
first appointed: 3 must be appointed for 5-year terms, 2 must be
38 appointed for 3-year terms and 2 must be appointed for one-year
terms. Vacancies and the number of terms for which an alumni
40 member may serve are governed by subsection 2.

42 **4. Meetings of the Board of Regents.** The Board of ~~Trustees~~
Regents shall meet from time to time at each of the various
44 campuses of the University of Maine System, whenever reasonably
practical.

46 Each meeting of the board must include an opportunity for
48 citizen input. Each citizen must be permitted to address the
board for a period of time established by the board.

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2 **Sec. 4. P&SL 1865, c. 532, §4-A**, as amended by PL 1987, c. 20,
§3, is further amended to read:

4 **Section 4-A. Administration; chancellor; campus heads;
advisory committees.** The ~~board~~ Board of ~~trustees~~ Regents shall
6 appoint a chancellor of the university who shall serve at its
pleasure and be chief administrative and education officer
8 thereof. The chancellor may maintain an office at Augusta and
such other offices as the ~~board-of-trustees~~ Board of Regents may
10 designate. The chancellor shall nominate and the ~~board--of~~
~~trustees~~ Board of Regents shall appoint the persons to head the
12 various campuses and shall give the persons such titles as shall
be deemed appropriate. The head of a campus shall may not serve
14 concurrently as chancellor or as a member of the ~~board--of~~
~~trustees~~ Board of Regents. The ~~board--of--trustees~~ Board of
16 Regents shall appoint such advisory committees on behalf of the
various campuses and such other advisory committees as may appear
18 desirable.

20 **Sec. 5. P&SL 1865, c. 532, §4-B**, as amended by PL 1987, c. 769,
Pt. A, §§189 and 190, is further amended to read:

22 **Section 4-B. Duties of the Board of Regents, chancellor and
heads of the various campuses.**

26 **1. Board of Regents; duties.** The ~~board-of-trustees~~ Board of
Regents, in consultation with the chancellor, ~~shall-be~~ is the
28 governing and planning body of the university and in addition
shall ~~have~~ has responsibility for preparing and approving the
30 operating and capital budgets of the university and presenting
them in accordance with the direction in Title 5, section 1665,
32 and Title 5, chapter 153. In fulfilling its duties, the Board of
Regents shall:

34 A. Support and enhance the system and the mission of the
36 system;

38 B. Provide sound financial management of the system;

40 C. Exercise prudent stewardship of the assets of the system;

42 D. Evaluate the chancellor and presidents appointed by the
44 Board of Regents pursuant to section 4-A;

46 E. Plan strategies for programs and allocation of resources
48 that most effectively serve the educational needs of the
citizens of this State;

50 F. Develop and maintain a strong system of accountability
to the public for performance results of the system;

2 G. Visibly advocate higher education as a means to
3 strengthen the economy and communities of the State; and

4
5 H. Establish mechanisms for review and approval of system
6 programs.

7 **2. Chancellor and staff members; duties.** The chancellor
8 shall exercise such powers and fulfill such responsibilities as
9 shall--be are delegated by the ~~board~~ Board of Regents. The
10 chancellor may delegate any of such powers and responsibilities
11 to such members of his the chancellor's staff as he--deems
12 necessary. The chancellor is the chief administrative education
13 officer of the system and shall:

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15 A. Provide leadership to the universities in the system in
16 addressing the State's highest priority needs;

17 B. Establish a vision and planning for the system that:
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19 (1) Provides quality education that is affordable and
20 accessible for the students of this State; and

21 (2) Strengthens the State's economy for its citizens;
22

23 C. Promote system planning, in collaboration with
24 university presidents, for academic affairs, student
25 affairs, outreach and community services programs, financial
26 operations, capital plans and resource allocations;

27 D. Prepare all operating and capital budgets, appropriation
28 requests and bond issues;

29 E. Take an active role in the nomination, appointment and
30 evaluation of persons to head the universities and to serve
31 in other major staff positions in the system;

32 F. Develop and implement an effective statewide public
33 relations and legislative program; and

34 G. Provide a centralized management oversight of services.
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36 In performing these duties, the chancellor shall strive to
37 eliminate duplication of efforts, services or functions in the
38 universities.

39 **3. Head of each campus; duties.** The head of each campus
40 shall--be is the chief administrative and educational officer
41 thereof and shall--be is responsible for the day to day operation
42 and development of its academic program within the limits defined
43

2 by the ~~board-of-trustees~~ Board of Regents and the chancellor; and
3 in addition, shall exercise such rights and privileges as are
4 generally recognized in the administering of admissions,
5 curriculum development, ~~extra---curricular~~ extracurricular
6 programs, ~~long-range~~ long-range planning within the framework of
the overall university plan, and supervision of faculty.

8 5. Boards of trustees; membership; duties. Each of the 7
9 universities has a board of trustees.

10 A. Each board of trustees consists of the following 7
11 members:

12 (1) One student, elected by the student government;

13 (2) One alumni member, elected by the alumni
14 association, who serves a 5-year term; and

15 (3) Five members at large, one appointed by the
16 President of the Senate and one appointed by the
17 Speaker of the House, and 3 appointed by the Governor.
18 The members appointed pursuant to this subparagraph
19 serve 5-year terms; except that, of those initially
20 appointed, the member appointed by the President of the
21 Senate serves a 4-year term, one member appointed by
22 the Governor serves a 3-year term, one member appointed
23 by the Governor serves a 2-year term and one member
24 appointed by the Governor serve a one-year term.

25 B. Each board of trustees shall:

26 (1) Advocate for the university;

27 (2) Raise funds for the university;

28 (3) Advise the university president on community and
29 regional needs; and

30 (4) Review for final recommendation to the Board of
31 Regents tuition increases, new academic programs and
32 the 5-year plan of the university.

33 **Sec. 6. P&SL 1865, c. 532, §4-F,** as amended by PL 1985, c. 779,
34 §96, is further amended to read:

35 **Section 4-F. Contracts.** The Board of ~~Trustees~~ Regents of
36 the University of Maine System ~~shall--have--authority--to~~ may
37 authorize contracts with the State of Maine, or any department or
38 agency thereof, or any city, town, district or other public
39 instrumentality, on such terms and conditions as they shall
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2 approve for the furnishing to the university of water and sewer
services. The term of any such contract may not exceed 50 years.

4 **Sec. 7. P&SL 1865, c. 532, §7,** as enacted by P&SL 1865, c. 532,
is amended to read:

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8 **Section 7. Site for college, how to be procured.** It shall
be the duty of the original trustees, as soon as may be, after
10 their organization, to procure a tract of land suitable as a site
for the establishment of the college. If no other provision
12 shall be made therefor, there shall be placed at the disposal of
the trustees for this purpose, such proportion as the governor
14 and council may deem suitable, of that part of the fund, which is
authorized by the fifth section of the act of congress to be
16 expended for the purchase of lands for sites or experimental
farms.

18 **Sec. 8. P&SL 1865, c. 532, §8-A,** as amended by PL 1991, c. 548,
Pt. A, §36, is repealed.

20 **Sec. 9. P&SL 1865, c. 532, §9,** as enacted by P&SL 1865, c. 532,
22 is repealed.

24 **Sec. 10. P&SL 1865, c. 532, §9-A,** as amended by PL 1985, c. 779,
§98, is repealed.

26 **Sec. 11. P&SL 1865, c. 532, §12,** as enacted by P&SL 1865, c.
28 532, is amended to read:

30 **Section 12. What students entitled to testimonials, etc.**
Students who satisfactorily complete any one or more of the
32 prescribed courses of study, may receive public testimonials
thereof, under the direction of the ~~trustees~~ Board of Regents,
34 stating their proficiency.

36 **Sec. 12. P&SL 1865, c. 532, §13,** as amended by P&SL 1891, c.
284, is repealed.

38 **Sec. 13. P&SL 1865, c. 532, §14,** as amended by P&SL 1865, c.
40 532, is repealed.

42 **Sec. 14. P&SL 1865, c. 532, §18,** as enacted by P&SL 1865, c.
44 532, is amended to read:

46 **Section 18. Rights of the Legislature reserved.** The
~~legislature shall have~~ Legislature has the right to grant any
48 further powers, to alter, limit or restrain any of the powers
vested in the ~~trustees~~ Board of Regents of the ~~college~~ University
of Maine System established by this act ~~Act~~, as shall ~~may~~ be
50 judged necessary to promote the best interests thereof. And this

act shall-~~take~~ takes effect upon its approval by the ~~governer~~
Governor.

Sec. 15. Transition; Board of Regents. Those members serving on the Board of Trustees of the University of Maine System on the effective date of this Act continue to serve as members of the Board of Regents of the University of Maine System until the terms for which they were appointed expire or until qualified successors are appointed.

Sec. 16. Board of Regents; review and report.

1. Review. The Board of Regents of the University of Maine System shall:

A. Conduct a review and evaluation of programs existing on the effective date of this Act. This review must identify which of the programs best address future educational and economic priorities of citizens of the State;

B. Review the current method of distributing state resources in light of distinctive missions, enrollment shifts, program priorities, changing program costs, demographic patterns and emerging needs of the State. As part of its review, the board shall ensure that the needs of the State's nontraditional students are met in a more equitable manner; and

C. Determine what savings result from reorganization of the system as set out in this Act and develop a mechanism to ensure that any such savings are used to reduce increases in tuition.

2. Report. The Board of Regents shall report its findings and recommendations based on its work pursuant to subsection 1 to the Joint Standing Committee on Education by January 1, 1998. The Joint Standing Committee on Education may report out legislation it determines based on the report.

Sec. 17. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1997-98

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

All Other \$1,000,000

2 Provides funds to provide parity in student
support at the University of Maine at
4 Augusta.

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SUMMARY

10 This bill amends the Charter of the University of Maine
System in several significant ways.

12 The bill replaces the current Board of Trustees of the
14 system with a Board of Regents and provides clearer guidance for
the board in fulfilling its role as the central governing body of
16 the system. The Board of Regents is charged with providing sound
financial management and stewardship of assets and is directed to
18 evaluate personnel and programs while bearing in mind the needs
and priorities, both educational and economic of the people of
the State. The Board of Regents is structurally changed to
20 require alumni members who represent each of the 7 universities.

22 The bill provides additional duties for the chancellor with
a focus on eliminating duplication in the areas of planning,
24 budget preparation and management oversight.

26 The bill establishes boards of trustees for each of the 7
universities that advocate for the universities, advise the
28 president, raise funds and review recommendations made to the
Board of Regents.

30 The bill also requires the Board of Regents to report to the
32 Second Regular Session of the 118th Legislature concerning its
review of programs and methods of distribution of state resources
34 and a mechanism for using any savings that result from enactment
of this bill to reduce tuition increases.

36 The bill makes a General Fund appropriation to provide
38 parity in student support of the University of Maine at Augusta.