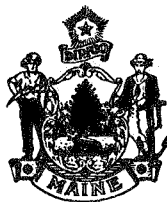


# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-1997

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Legislative Document

No. 1765

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H.P. 1245

House of Representatives, April 9, 1997

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### An Act to Amend the Structure of the University of Maine System.

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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 Representative BROOKS of Winterport.  
Cosponsored by Senator LIBBY of York and  
Representatives: BAKER of Bangor, BARTH of Bethel, BRAGDON of Bangor,  
LaVERDIERE of Wilton, LEMKE of Westbrook, MACK of Standish, Senator: BENNETT of  
Oxford.

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

2           **Sec. 1. P&SL 1865, c. 532, §1-A**, as amended by PL 1985, c. 779,  
4 §88, is further amended by adding at the end a new paragraph to  
6 read:

8           The University of Maine System includes 2 universities, one  
10 located in Portland and one located in Orono; 6 regional  
12 colleges, one each in Presque Isle, Fort Kent, Machias,  
Farmington and Augusta and the Maritime Studies Academy in  
Castine; and 7 technical colleges, one each in Bangor, Presque  
Isle, Calais, York, Auburn, Fairfield and South Portland.

14           **Sec. 2. P&SL 1865, c. 532, §§2 and 3** are amended to read:

16           **Section 2. Regents; chair, clerk and treasurer; tenure of**  
18 **office of treasurer and clerk; duties of clerk; treasurer to give**  
20 **bond.** The ~~trustees~~ board of regents shall annually elect one of  
22 their number to be ~~president~~ chair of the board. They shall  
24 appoint a clerk and treasurer, both of whom shall must be sworn,  
26 ~~and shall~~ who hold their offices at the pleasure of the ~~trustees~~  
regents. The clerk shall record all proceedings of the board,  
and copies of their records certified by ~~him~~ shall be the clerk  
are evidence in all cases in which the originals might be used.  
The treasurer shall ~~be required to~~ give suitable bond, and to  
renew the same, whenever the ~~shall~~ trustees regents require.

28           **Section 3. Governor and board of regents; process against**  
30 **executive council of presidents in corporate capacity, when**  
32 **authorized; decree of court; any individual regent or council**  
34 **member, complaint against may be instituted; decree of court on**  
36 **such complaint.** The ~~governor~~ Governor and ~~council~~ shall at all  
times the board of regents have the power, by themselves, or such  
38 by a committee as they shall appoint, to examine into the affairs  
of ~~the college,~~ each campus and the doings of the ~~trustees,~~  
40 councilors and to inspect all their records and accounts, and the  
buildings and premises occupied by ~~the college~~ that campus.  
Whenever the ~~governor~~ Governor and ~~council~~ shall the board of  
42 regents have reason to believe that the ~~trustees~~ councilors are  
exercising or attempting to exercise any unlawful powers, or  
unlawfully omitting to perform any legal duty, they may direct  
44 the ~~attorney general~~ Attorney General to institute process  
against the ~~trustees~~ councilors in their corporate capacity, in  
46 the nature of a complaint in equity before the ~~supreme judicial~~  
court, Supreme Judicial Court in the county in which the ~~college~~  
may be campus is established, and the court, after notice, shall  
48 hear and determine the same, by summary proceeding in term time,  
or by any judge in vacation, and may make any suitable decree,  
restraining the ~~trustees~~ councilors from performing or continuing  
50 the           unlawful           acts           complained           of,

2 ~~for~~ or requiring them to perform whatever is unlawfully omitted,  
and may enforce such decrees. In like manner a complaint may be  
4 instituted against any individual trustee, councilor and be heard  
in the county where he the councilor resides, alleging against  
6 him the councilor any cause deemed determined by the ~~governor~~  
Governor and ~~council~~ the board of regents sufficient to  
8 disqualify him the councilor for the trust; and if in the  
judgment of the court such an allegation shall ~~be~~ is sustained, a  
10 decree shall must be made removing ~~such trustee~~ that councilor  
from office, and his that councilor's place shall must be thereby  
vacated.

12 **Sec. 3. P&SL 1865, c. 532, §4,** as amended by PL 1991, c. 147,  
14 §2, is repealed.

16 **Sec. 4. P&SL 1865, c. 532, §4-A,** as amended by PL 1987, c. 20,  
18 §3, is further amended to read:

**Section 4-A. Administration; executive council of**  
20 **presidents; chancellor; campus presidents; advisory committees.**  
The ~~board of trustees~~ executive council of presidents shall  
22 appoint a chancellor of the university, who shall serve at ~~its~~  
the council's pleasure and be chief administrative and education  
24 officer ~~thereof~~ of the University of Maine System. The  
chancellor may maintain an office at ~~Augusta Bangor~~ and ~~such~~ any  
26 other offices as the ~~board of trustees~~ executive council of  
presidents may designate. The ~~chancellor~~ executive council of  
28 presidents shall nominate and the board of ~~trustees~~ regents shall  
appoint the ~~persons to head~~ presidents of the various campuses  
30 and ~~shall give the persons such titles as shall be deemed~~  
appropriate. The head president of a campus shall may not serve  
32 concurrently as chancellor or as a member of the board of  
~~trustees~~ regents. The ~~board of trustees~~ executive council of  
34 presidents shall appoint ~~such~~ advisory committees on behalf of  
the various campuses and ~~such~~ any other advisory committees as  
36 may that appear desirable.

38 **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:

40 **Section 4-B. Duties of executive council of presidents,**  
42 **chancellor and presidents of various campuses.**

44 **1. Executive council of presidents; duties.** The ~~board of~~  
~~trustees~~ executive council of presidents, in consultation with  
46 the chancellor, ~~shall be the governing and is the~~ planning body  
of ~~the university~~ the University of Maine System and in addition  
48 shall ~~have~~ has the responsibility for preparing and ~~approving~~  
the operating and capital budgets of ~~the university~~ the various  
50 campuses and presenting ~~them in accordance with the direction in~~

2 ~~Title 5, section 1665, and Title 5, chapter 153~~ those budgets to  
the board of regents.

4           **2. Chancellor and staff members; duties.** The chancellor  
shall exercise such powers and fulfill such responsibilities as  
6 shall be delegated by the board executive council of presidents.  
The chancellor may delegate any ~~of~~ such powers and  
8 responsibilities to such members of his the chancellor's staff as  
he deems that the chancellor determines necessary.

10           **3. President of each campus; duties.** The head president of  
12 each campus shall be is the chief administrative and educational  
officer thereof and shall be is responsible for the day to day  
14 operation and development of its academic program within the  
limits defined by the board of ~~trustees~~ regents, the executive  
16 council of presidents and the chancellor; and in addition, shall  
the president of each campus may exercise such the rights and  
18 privileges as are generally recognized in the administering of  
admissions, curriculum development, ~~extra~~ curricular  
20 extracurricular programs, long range planning within the  
framework of the overall university plan, and supervision of  
22 faculty.

24           **Sec. 6. P&SL 1865, c. 532, §4-D,** as amended by PL 1985, c. 779,  
§§94 and 95, is further amended to read:

26           **Section 4-D. Options for employment benefits of personnel.**

28 All personnel heretofore employed at the state ~~colleges~~ shall  
campuses have the option of continuing their membership, if such  
30 exists, in the Maine State Retirement System or of becoming  
members of the retirement system in effect at in the University  
32 of Maine System at the time the election is made. Such The  
election shall must be made within 6 months after the effective  
34 date of this Act on forms and in such a manner as the Board of  
Trustees of the University of Maine System may ~~direct~~ in office  
36 at the time of the election directs. As to each such employee  
who elects to continue membership in the Maine State Retirement  
38 System, it shall ~~thereafter~~ be is the responsibility of the  
university to provide for payment from its appropriation to the  
40 Treasurer of State of the amount ~~which~~ that would have been the  
state's State's contribution to the retirement system for such  
42 that employee had he the employee remained in the state's State's  
service. Notwithstanding any other provisions of law, as ~~to~~ all  
44 such employees who elect to become members of the retirement  
system in effect at the university, ~~such employees~~ shall, within  
46 90 days after such the election, authorize the Maine State  
Retirement System to pay through the Treasurer of State into the  
48 retirement system in effect at the university the total of the  
member's contributions for said that employee. Any ~~such~~ An  
50 employee electing to become a member of the retirement system in

2 effect at the university who has vested rights under the Maine  
3 State Retirement System may elect, notwithstanding the foregoing  
4 provision, to leave his that employee's contributions on deposit  
5 in said the retirement system. Within 6 months after the  
6 effective date of this Act, such those employees shall exercise  
7 the option of determining whether ~~they--shall~~ to keep their  
8 personnel classification, salary level and tenure rights, to the  
9 extent they now exist, for their work with their present  
10 institutions, or to adopt such benefits as they exist under the  
11 system in effect at the university at the time election is made.  
12 The intent of the election herein provided in this section is to  
13 ~~assure~~ ensure that no employee's job classification, salary level  
14 and tenure rights ~~shall--be~~ are adversely affected solely as a  
15 result of the unification provided for in this chapter. The  
16 board of trustees ~~shall--have~~ at the time of unification has the  
17 final authority in their efforts to work out, as well as may be,  
18 uniform personnel policies and procedures for all employees of  
19 the University of Maine System, except that nothing contained  
20 herein in this section in any way shall may abrogate the options  
21 for employment benefits in this section. No faculty member  
22 employed at one campus may be transferred to another campus  
23 without his that employee's consent.

24 **Sec. 7. P&SL 1865, c. 532, §4-F**, as amended by PL 1985, c. 779,  
25 §96, is further amended to read:

26 **Section 4-F. Contracts.** The Board of Trustees Regents of  
27 the University of Maine System ~~shall--have~~ has authority to  
28 authorize contracts with the State of Maine, ~~or~~ any department or  
29 agency ~~thereof,~~ of the State or any city, town, district or other  
30 public instrumentality, ~~on such terms and conditions as--they~~  
31 ~~shall--approve~~ the board of regents approves for the furnishing to  
32 the university of water and sewer services. The term of any such  
33 contract may not exceed 50 years.

34 **Sec. 8. P&SL 1865, c. 532, §§4-G to 4-K** are enacted to read:

35 **Section 4-G. Board of regents.** The Board of Regents of the  
36 University of Maine System consists of 16 members.

37 **1. Chancellor.** The Chancellor of the University of Maine  
38 System serves as a nonvoting member ex officio.

39 **2. Members appointed by Governor.** Ten members are  
40 appointed by the Governor with confirmation by the Legislature, 5  
41 from the First Congressional District and 5 from the Second  
42 Congressional District.

2 3. Members appointed by President of the Senate; Speaker of  
3 the House. Three members are appointed by the President of the  
4 Senate and 2 members are appointed by the Speaker of the House.

5 4. Term; compensation. Appointed members serve 5-year  
6 terms. Five members must be initially appointed for a term of 3  
7 years, 5 for a term of 2 years and 5 for a term of one year. A  
8 member may serve beyond the expiration date of that member's term  
9 until a successor is appointed and qualified. A vacancy on the  
10 board must be filled for the unexpired portion of the term.  
11 Members serve without compensation but may be reimbursed for  
12 travel and other expenses incurred in the performance of their  
13 official duties.

14 5. Board of regents; duties. The board of regents is the  
15 governing body of the University of Maine System and has  
16 responsibility for reviewing the operating and capital budgets of  
17 each campus and presenting them in accordance with the Maine  
18 Revised Statutes, Title 5, section 1665 and Title 5, chapter  
19 153. The board of regents hires and evaluates the presidents of  
20 the 2 universities, the 6 regional colleges and the 7 technical  
21 colleges.

22 Section 4-H. Executive council of presidents. The  
23 executive council of presidents consists of 4 members: the  
24 President of the University of Maine at Orono; the President of  
25 the University of Southern Maine at Portland; a representative  
26 from the council of regional colleges; and a representative from  
27 the council of technical colleges. The executive council of  
28 presidents shall employ and evaluate and may suspend the  
29 chancellor.

30 Section 4-I. Council of regional colleges. The council of  
31 regional colleges includes the presidents of the 6 regional  
32 colleges. One member of the council is elected to a one-year  
33 term as a voting member of the executive council of presidents.

34 Section 4-J. Council of technical colleges. The council of  
35 technical colleges includes the presidents of the 7 technical  
36 colleges. One member is elected to a one-year term as a voting  
37 member of the executive council of presidents.

38 Section 4-K. Campus advisory council. The president of  
39 each university, each regional college and each technical college  
40 shall oversee the formation of a volunteer campus advisory  
41 council. The council is responsible for fundraising and  
42 advocacy. The members serve at the pleasure of the presidents  
43 and include alumni and community business leaders.

44 Sec. 9. P&SL 1865, c. 532, §7 is amended to read:  
45  
46  
47  
48  
49  
50

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

14           **Sec. 10. P&SL 1865, c. 532, §8-A,** as amended by PL 1991, c. 548,  
16 Pt.A, §36, is further amended to read:

18           **Section 8-A. Designation of police powers.** The trustees  
20 Board of Regents of the University of Maine System, or such  
22 administrators of the University of Maine System as the trustees  
24 board of regents and the executive council of presidents may  
26 designate for this purpose, may appoint persons to act as police  
officers, who, within the limits of the property owned by or  
under the control of the University of Maine System, possess all  
of the powers of police officers in criminal cases and civil  
violations.

28           The trustees board of regents may make rules and regulations  
30 for the control, movement and parking of vehicles within the  
32 limits of the property owned by or under the control of the  
34 University of Maine System. The rules and regulations have the  
36 same force and effect as municipal ordinances, and District  
38 Courts are authorized to impose fines not to exceed \$50 for each  
40 parking violation. The trustees board of regents, by resolution,  
42 may adopt the provisions of the Maine Revised Statutes, Title  
44 30-A, section 3009, relating to prima facie evidence, the  
46 establishment of a waiver of court action by payment of specified  
48 fees and the establishment and policing of parking spaces for  
handicapped persons. Notwithstanding this paragraph, speed  
limits within the limits of the property owned by or under the  
control of the University of Maine System must be established by  
the Department of Transportation and the Maine State Police as  
provided in the Maine Revised Statutes, Title 29 29-A, section  
~~1251~~ 2073, and the speed limits must be posted by the University  
of Maine System in accordance with written directions or policies  
of the Department of Transportation. The violation of any rules  
and regulations relating to the movement of vehicles is deemed to  
be a traffic infraction unless defined as a ~~felony-or-misdemeanor~~  
crime under Title 29 29-A.



2           **Sec. 11. P&SL 1865, c. 532, §9-A**, as amended by PL 1985, c. 779,  
§98, is further amended to read:

4           **Section 9-A. College of medicine authorized; standards of**  
5 **scholarship; degrees.** The Board of ~~Trustees~~ Regents of the  
6 University of Maine System is hereby authorized to locate,  
7 construct, equip and operate a college of medicine and to set,  
8 establish and maintain standards of teaching and scholarship  
9 ~~therefore;--provided,--nevertheless,--that--the~~ for the college of  
10 medicine. The location, construction, equipment and operation  
11 ~~shall~~ must meet the approval of and ~~that~~ the standards of  
12 teaching and scholarship must be at least equal to standards  
13 approved by the Council on Medical Education and Hospitals of the  
14 American Medical Association and of the Association of American  
15 Medical Colleges; ~~--and--provided--further,--that--the.~~ The board of  
16 ~~trustees--shall--be~~ regents is under no duty to perform any  
17 function under this section unless and until, in its opinion, the  
18 board of regents has received or is assured of sufficient funds  
19 either by gift from any source or by appropriation by the State  
20 of Maine to successfully construct and operate such a college of  
21 medicine.

22           The board of ~~trustees~~ regents is authorized to confer the  
23 degree of "Doctor of Medicine" upon ~~such~~ students of the college  
24 of medicine, when so established, as who complete the 4-year  
25 course of ~~said~~ that college to the satisfaction of ~~said~~ the board  
26 of ~~trustees~~ regents.

28           **Sec. 12. P&SL 1865, c. 532, §18** is amended to read:

30           **Section 18. Rights of the legislature reserved.** The  
31 legislature ~~--shall--have--the--right--to~~ Legislature may grant any  
32 further powers; ~~--to~~ and alter, limit or restrain any of the powers  
33 vested in the ~~trustees~~ board of regents and the executive council  
34 of presidents of the ~~college~~ University of Maine System  
35 established by this act, Act as ~~shall--be~~ judged necessary to  
36 promote the best interests ~~thereof~~ of the university system. And  
37 this act ~~--shall--take~~ Act takes effect upon its approval by the  
38 ~~governor~~ Governor.

40           **Sec. 13. Report; legislation; implementation.** By December 15,  
41 1998, the Chancellor of the University of Maine System shall  
42 submit legislation to the First Regular Session of the 119th  
43 Legislature to revise the Maine Revised Statutes to reflect the  
44 replacement of the Board of Trustees of the University of Maine  
45 System by a board of regents and by an executive council of  
46 presidents in accordance with this Act.

48           The executive council of presidents shall direct the  
49 chancellor to implement all changes in this Act by July 1, 1999.  
50

2

## SUMMARY

4

6       This bill amends the University of Maine System Charter by  
replacing the board of trustees with a board of regents. The  
bill also establishes an executive council of presidents made up  
8 of 4 of the presidents of the universities and colleges in the  
system. The bill directs all changes to be implemented by July  
10 1, 1999.