

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1241

S.P. 425

In Senate, March 10, 2005

An Act To Ensure Public Accountability in the Delivery of Higher Education Services

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MITCHELL of Kennebec.
Cosponsored by Representative DUPLESSIE of Westbrook and
Senators: BRYANT of Oxford, CLUKEY of Aroostook, COWGER of Kennebec, DAMON of
Hancock, DAVIS of Piscataquis, DOW of Lincoln, President EDMONDS of Cumberland,
MARTIN of Aroostook, PLOWMAN of Penobscot, RAYE of Washington, STRIMLING of
Cumberland, Representatives: BROWNE of Vassalboro, BRYANT of Windham, FINCH of
Fairfield, FISCHER of Presque Isle, GERZOFISKY of Brunswick, LERMAN of Augusta,
MARRACHÉ of Waterville, MOODY of Manchester, NORTON of Bangor, PATRICK of
Rumford, RINES of Wiscasset, STEDMAN of Hartland, TARDY of Newport, THOMPSON
of China.

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

4 **Whereas,** access to higher education represents the future of
6 the State; and

8 **Whereas,** it is imperative that the State help its citizens
acquire degrees of higher learning; and

10 **Whereas,** in order to achieve this goal the State must ensure
12 that the University of Maine System is equipped with the means to
provide education services in the most cost-efficient manner
14 possible without sacrificing its mission of quality; and

16 **Whereas,** in an effort to ensure the continued strength of
the University of Maine System and its campuses, the Board of
18 Trustees of the University of Maine System has crafted a
strategic plan that contains the board's vision, strategies and
20 recommendations for academic and administrative restructuring of
the University of Maine System; and

22 **Whereas,** the strategic plan endorsed by the trustees has
24 far-reaching implications; and

26 **Whereas,** because it is the Legislature that has the ultimate
accountability to the public for the direction and mission of the
28 University of Maine System, it is necessary that the Legislature
be given the opportunity to review and approve the strategic plan
30 prior to the implementation of the plan; and

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

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

40 **Sec. 1. 20-A MRSA §10909** is enacted to read:

42 **§10909. Restructuring plans; review and approval by Legislature**

44 Notwithstanding any other provision of law, including, but
46 not limited to, Private and Special Law 1865, chapter 532, as
48 amended, the trustees may not finally adopt or implement any plan
to reorganize the academic or administrative structure of the
university, referred to in this section as "the restructuring

2 plan," unless the trustees submit the restructuring plan to the
3 Legislature for review in accordance with this section.

4 1. Submission. The trustees shall submit the restructuring
5 plan to the joint standing committee of the Legislature having
6 jurisdiction over education matters together with any other
7 information that the committee may require.

8 2. Review; legislation. The joint standing committee of the
9 Legislature having jurisdiction over education matters shall
10 review the restructuring plan and may report out legislation
11 approving or disapproving the restructuring plan. The review of
12 the restructuring plan must be conducted as follows.

13 A. After the submission of a restructuring plan in
14 accordance with subsection 1, the Legislature, through the
15 joint standing committee of the Legislature having
16 jurisdiction over education matters, shall conduct a review
17 and evaluation of the submitted material and conduct on-site
18 visits as necessary to complete the review.

19 B. The committee review of the restructuring plan shall
20 address the following issues:

21 (1) Access and affordability for eligible students,
22 including financial access and geographic access;

23 (2) Community and economic development, including the
24 impact of social, economic and cultural resources on
25 the communities surrounding each institution within the
26 university;

27 (3) Enrollment management, including the capacity of
28 other public postsecondary institutions in the State to
29 meet the demand for increased enrollment;

30 (4) Identified savings and potential increased costs
31 for plan implementation; and

32 (5) Quality and scope of academic programs, including
33 the elimination of existing programs and the
34 establishment of new programs.

35 The committee may add additional issues or areas to be
36 addressed should the addition of such issues be useful in
37 providing the Legislature with an overview of the
38 implications of the restructuring plan or the operation of
39 the university.

