

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 2012

S.P. 774

In Senate, February 8, 2006

An Act Amending and Restating the Charter of The President and Trustees of Colby College

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GAGNON of Kennebec.
Cosponsored by Representative CANAVAN of Waterville and
Senator: MITCHELL of Kennebec, Representatives: MARRACHÉ of Waterville, NUTTING
of Oakland.

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

2 **PART A**

3 **Sec. A-1. Name.** The corporation created by Chapter CXXXI, enacted by the
4 Senate and House of Representatives in General Court assembled of the Commonwealth
5 of Massachusetts and approved by the Governor February 27, 1813, entitled "An Act to
6 Establish a Literary Institution in the District of Maine, within this Commonwealth," and
7 now known as "The President and Trustees of Colby College," is hereby continued as a
8 body politic and corporate by that name forever.

9 **Sec. A-2. Purposes.** The purposes and objects of the corporation are to educate
10 persons of all ages both within and without the State of Maine and to promote education
11 generally; to compile, present and disseminate knowledge and information through any
12 means of communication; and to establish and maintain in the State of Maine an
13 institution for the purpose of educating youth and others, to be called and known by the
14 name of Colby College.

15 **Sec. A-3. Powers of corporation.** The corporation has all powers necessary and
16 proper to carry out the foregoing purposes. Without limiting the generality of the
17 foregoing, the corporation has the following powers:

18 1. To have one common seal, which it may change, break or renew at its pleasure,
19 and all deeds signed and delivered by any officer or other employee of the corporation
20 and sealed with its seal by order of the corporation, when in its corporate name, are
21 considered in law as deeds of the corporation;

22 2. To have, hold and take in fee simple or any less estate by gift, grant, devise or
23 otherwise any lands, tenements or other estates, real or personal, in an unlimited amount;
24 to act as trustee of real and personal estate; to borrow money and to mortgage and pledge
25 its interest in any property to secure its borrowings; and to purchase, sell, manage,
26 operate, control and otherwise deal in real and personal property of any name or nature;

27 3. To sue and be sued in all actions real, personal and mixed and to prosecute and
28 defend the same to final judgment and execution by the name of The President and
29 Trustees of Colby College;

30 4. To determine at what times and places within or without the State of Maine the
31 meetings of the corporation are held and on the manner of calling and of fixing the time
32 and place and notifying the members to convene at such meetings;

33 5. To elect or appoint a Chair of the Board of Trustees, a President, one or more Vice
34 Presidents, a Treasurer, a Secretary, professors of various grades, tutors, instructors,
35 lecturers and other officers or employees as necessary to fill offices or positions the
36 corporation from time to time may create; to determine the duties, salaries, emoluments
37 and tenures of such offices and positions; and to remove any person from any such office
38 or position;

39 6. To purchase, construct, erect, maintain, operate, repair, demolish or replace
40 houses, buildings or other structures or scientific or other equipment of any nature as the

1 corporation determines desirable or necessary for carrying out the purposes of the
2 corporation;

3 7. To make and ordain, as occasion may require, reasonable rules, orders and bylaws,
4 not inconsistent with the laws of this State, with reasonable penalties, for the good
5 government of the corporation or institution and to determine and prescribe the mode of
6 ascertaining the qualifications of the students requisite to their admission;

7 8. To carry on research and experimentation in all fields of knowledge;

8 9. To confer such degrees as are usually conferred by universities, colleges or other
9 institutions of learning, including honorary degrees, and to issue or confer such other
10 diplomas, certificates or evidence of progress or accomplishment in any field of
11 education as the corporation may see fit;

12 10. To receive and hold bequests, gifts and endowments and to invest and reinvest
13 the same and to create and carry out annuity contracts or other arrangements or
14 agreements for the payment of sums of money to or for the support of the donor or other
15 persons in connection with any gift or endowment to be received by the corporation, and
16 all money held by the corporation in all forms of securities or real or personal property
17 and the net income from such investments must be used for the furtherance of the
18 purposes of the corporation; and

19 11. To delegate to any officer, committee or other person or persons connected with
20 the corporation any of the foregoing powers except the election or removal of trustees,
21 the President, Vice Presidents, Secretary or Treasurer and the making or amending of
22 bylaws or such powers as the bylaws place exclusively in the hands of the corporation.

23 **Sec. A-4. Members.** The members of the corporation consist of the trustees. The
24 President, for the time being in office, is a trustee ex officio, but no other officer may be
25 an ex officio trustee unless so designated by the bylaws. The number of trustees,
26 exclusive of any ex officio member, may never be greater than 35 nor less than 24. The
27 corporation has full power and authority, from time to time as the corporation determines,
28 to remove any trustee when in its judgment the trustee is rendered incapable of
29 discharging the duties of the trustee's office and to fill all vacancies in the corporation by
30 electing such persons for such terms, except as provided in this Act, as the corporation
31 determines best. The Colby College Alumni Association is entitled to elect not fewer
32 than 6 nor more than 9 of the trustees in such manner, with such conditions of eligibility
33 and for such terms not exceeding 6 years, as the association may determine.

34 **Sec. A-5. Restrictions.** The corporation may not make or have any rule or bylaw
35 requiring that any member of the trustees be of any particular religious denomination. A
36 student belonging or who may hereafter belong to the institution, sustaining a fair moral
37 character, may not be deprived of any privileges of the institution, be subjected to the
38 forfeiture of any aid that has been granted by the institution for the purpose of enabling
39 the student to prosecute that student's studies, be denied the usual testimonials on that
40 student's closing studies or be denied admission to the institution on the ground that the
41 student's interpretations of the Scriptures differ from those contained in the articles of
42 faith adopted or to be adopted by the institution.

