

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1362

H.P. 952

House of Representatives, April 2, 2009

An Act To Create a Unified Board of Higher Education

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative ROTUNDO of Lewiston.
Cosponsored by Senator BOWMAN of York and
Representatives: FLOOD of Winthrop, MARTIN of Eagle Lake, Speaker PINGREE of North
Haven, STRANG BURGESS of Cumberland, Senators: ALFOND of Cumberland, MILLS of
Somerset, ROSEN of Hancock, SCHNEIDER of Penobscot.

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

2 PART A

3 Sec. A-1. 5 MRSA §12004-C, sub-§2, as enacted by PL 1987, c. 786, §5, is
4 repealed.

5 Sec. A-2. 5 MRSA §12004-C, sub-§3, as amended by PL 2003, c. 20, Pt. OO, §2
6 and affected by §4, is repealed.

7 Sec. A-3. 5 MRSA §12004-C, sub-§4, as enacted by PL 1987, c. 786, §5, is
8 repealed.

9 Sec. A-4. 5 MRSA §12004-C, sub-§8 is enacted to read:

10 8.

11 Board of Trustees of Higher
12 Education

Expenses Only

20-A MRSA §10022

13 Sec. A-5. 20-A MRSA c. 401-A is enacted to read:

14 CHAPTER 401-A

15 BOARD OF TRUSTEES OF HIGHER EDUCATION

16 §10021. Definitions

17 1. Board of higher education. "Board of higher education" means the Board of
18 Trustees of Higher Education.

19 2. Public postsecondary education institution. "Public postsecondary education
20 institution" means:

21 A. The Maine Community College System, as established by chapter 431;

22 B. Maine Maritime Academy, as established by Private and Special Law 1941,
23 chapter 37; and

24 C. The University of Maine System, as established by Private and Special Law 1865,
25 chapter 532.

26 3. Trustee. "Trustee" means a member of the Board of Trustees of Higher
27 Education.

28 §10022. Board of higher education

29 1. Board established. The Board of Trustees of Higher Education is established
30 pursuant to Title 5, section 12004-C, subsection 8 to govern the affairs and operations of
31 the public postsecondary education institutions in this State.

32 2. Successor. The board of higher education is the successor of the:

1 **1. Definitions.** As used in this Part, unless the context otherwise indicates, the
2 following terms have the following meanings.

3 A. "Public postsecondary education institution" means the University of Maine
4 System, the Maine Maritime Academy and the Maine Community College System.

5 B. "Transition team" means the Unified Board of Higher Education Transition Team
6 established in this Part.

7 **2. Members of the transition team.** The transition team consists of the following
8 members:

9 A. Two trustees from the Board of Trustees of the University of Maine System
10 selected by that board;

11 B. Two trustees from the Board of Trustees of the Maine Community College
12 System selected by that board;

13 C. One trustee from the Board of Trustees of the Maine Maritime Academy selected
14 by that board;

15 D. The Commissioner of Education;

16 E. A former president of a private college in the State appointed by the Governor;

17 F. Six members of the public who may not be current or former members of the
18 board of trustees of the public postsecondary education institutions and who must
19 represent 6 distinct and different regions of the State, 2 of whom are appointed by the
20 President of the Senate, 2 of whom are appointed by the Speaker of the House and 2
21 of whom are appointed by the Governor; and

22 G. One member from each employee union that represents any employee of a public
23 postsecondary education institution, to be selected by the union.

24 All appointments and selections under this subsection must be made within 30 days of the
25 effective date of this Part. The Speaker of the House shall name the chair of the transition
26 team.

27 **3. Duties; report.** The transition team shall work collaboratively to provide for the
28 transfer of duties and powers of the individual boards of trustees of the public
29 postsecondary education institutions to the Board of Trustees of Higher Education and
30 shall submit a report to the Joint Standing Committee on Education and Cultural Affairs
31 no later than December 2, 2009. In its report, the transition team shall suggest
32 recommended legislation. The transition team in its report shall include recommendations
33 that, at a minimum, propose:

34 A. The statutory qualifications, appointment mechanisms and terms for trustees on
35 the Board of Trustees of Higher Education for inclusion in the Maine Revised
36 Statutes, Title 20-A, chapter 401-A;

37 B. The statutory powers and duties of the Board of Trustees of Higher Education for
38 inclusion in the Maine Revised Statutes, Title 20-A, chapter 401-A, which may
39 include, but are not limited to, either the authority or requirement for the board:

- 1 (1) To develop and adopt policies for and oversee the administration of each
2 public postsecondary education institution;
- 3 (2) To prepare budgets for the public postsecondary education institutions for
4 presentation to the Governor and the Legislature and to otherwise manage the
5 financial affairs of the institutions, including the authority to establish and collect
6 tuition and other fees and charges;
- 7 (3) To enter into any contracts, leases and agreements and any other instruments
8 and arrangements that are necessary, incidental or convenient to the performance
9 of its duties and the execution of its powers under Title 20-A, chapter 401-A;
- 10 (4) To oversee the legal affairs of the institutions;
- 11 (5) To develop and adopt personnel policies and procedures for the institutions;
- 12 (6) To oversee facilities management at the institutions;
- 13 (7) To ensure the appropriate offering of courses of study, granting of diplomas
14 and certificates on completion of courses of study and conferring of degrees
15 authorized at each institution; and
- 16 (8) To undertake other duties and responsibilities determined necessary by the
17 transition team;

18 C. Any changes identified by the transition team in the administration or
19 organizational structure of any of the public postsecondary education institutions to
20 ensure the efficient operation of the institutions under a single board of trustees; and

21 D. Changes to the laws governing the University of Maine System, the Maine
22 Maritime Academy and the Maine Community College System to ensure substantive
23 and technical consistency and avoid ambiguity or conflict in those laws in relation to
24 fully implementing the Board of Trustees of Higher Education.

25 **4. Committee authorized to submit a bill.** The Joint Standing Committee on
26 Education and Cultural Affairs may submit a bill to the Second Regular Session of the
27 124th Legislature based upon the report submitted by the transition team.

28 **SUMMARY**

29 This bill replaces the Board of Trustees of the University of Maine System, the Board
30 of Trustees of the Maine Community College System and the Board of Trustees of the
31 Maine Maritime Academy with the Board of Trustees of Higher Education to provide a
32 unified body for the governance of those institutions.

33 Part A makes changes to the law to replace some select references to the individual
34 boards of trustees with the unified board and enacts a new chapter in the Maine Revised
35 Statutes, Title 20-A, with provisions that establish the new unified board.

36 Part B establishes a transition team to recommend further changes to the law to fully
37 accomplish the transition to the unified board. The transition team will specifically
38 recommend changes to determine the qualifications of trustees and the powers and duties
39 of the unified board in a report to the Joint Standing Committee on Education and

1 Cultural Affairs. The report of the transition team must also recommend changes to the
2 administration or organization and the existing law governing the University of Maine
3 System, the Maine Maritime Academy and the Maine Community College System to
4 ensure that any potential conflicts with the law establishing the new unified board are
5 avoided. The joint standing committee is authorized to submit a bill to the Second
6 Regular Session of the 124th Legislature based upon the report.