

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 982

H.P. 726

House of Representatives, March 8, 2011

### An Act To Create a Unified Board of Higher Education

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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 "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative ROTUNDO of Lewiston.  
Cosponsored by Senator KATZ of Kennebec and  
Representatives: MARTIN of Eagle Lake, NELSON of Falmouth, STRANG BURGESS of  
Cumberland, Senator: FARNHAM 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 §1664, sub-§1, ¶E**, as enacted by PL 2005, c. 601, §1, is  
4 repealed.

5 **Sec. A-2. 5 MRSA §1665, sub-§5**, as enacted by PL 1991, c. 376, §20 and  
6 amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4, is repealed.

7 **Sec. A-3. 5 MRSA §1742-C, sub-§3**, as enacted by PL 1991, c. 376, §22 and  
8 amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4, is repealed.

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10 repealed.

11 **Sec. A-5. 5 MRSA §12004-C, sub-§3**, as amended by PL 1989, c. 443, §14 and  
12 PL 2003, c. 20, Pt. OO, §2 and affected by §4, is repealed.

13 **Sec. A-6. 5 MRSA §12004-C, sub-§4**, as enacted by PL 1987, c. 786, §5, is  
14 repealed.

15 **Sec. A-7. 5 MRSA §12004-C, sub-§8** is enacted to read:

16 **8.**  
17 Board of Trustees of Higher                      Expenses Only                      20-A MRSA §10022  
18 Education

19 **Sec. A-8. 20-A MRSA c. 402** is enacted to read:

20 **CHAPTER 402**  
21 **BOARD OF TRUSTEES OF HIGHER EDUCATION**

22 **§10021. Definitions**

23 As used in this chapter, unless the context otherwise indicates, the following terms  
24 have the following meanings.

25 **1. Board.** "Board" means the Board of Trustees of Higher Education established  
26 under section 10022.

27 **2. Public postsecondary education institution.** "Public postsecondary education  
28 institution" means:

- 29 A. The Maine Community College System, as established by chapter 431;  
30 B. The Maine Maritime Academy, as established by Private and Special Law 1941,  
31 chapter 37; and

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

3 **3. Trustee.** "Trustee" means a member of the board.

4 **§10022. Board of Trustees of Higher Education**

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

8 **2. Successor.** The board is the successor of the:

9 A. Board of Trustees of the Maine Community College System;

10 B. Board of Trustees of the Maine Maritime Academy; and

11 C. Board of Trustees of the University of Maine System.

12 **Sec. A-9. 20-A MRSA §12701, sub-§2,** as enacted by PL 1985, c. 695, §11, is  
13 amended to read:

14 **2. Board of trustees.** "Board of trustees" means the ~~board of trustees of the system~~  
15 Board of Trustees of Higher Education established under chapter 402.

16 **Sec. A-10. 20-A MRSA §12705,** as amended by PL 2005, c. 425, §25, is  
17 repealed.

18 **Sec. A-11. 20-A MRSA §12706,** as amended by PL 2007, c. 67, §§2 and 3, is  
19 repealed.

20 **Sec. A-12. 20-A MRSA §12709, sub-§7,** as enacted by PL 1985, c. 695, §11, is  
21 repealed.

22 **Sec. A-13. 20-A MRSA §12718,** as amended by PL 1991, c. 376, §42 and PL  
23 2005, c. 397, Pt. D, §3, is repealed.

24 **Sec. A-14. P&SL 1865, c. 532, §4,** as amended by P&SL 1997, c. 37, §2, is  
25 repealed and the following enacted in its place:

26 **Sec. 4. Board of trustees.** As used in this chapter, "the board of trustees," "the  
27 board" or "trustees" means the Board of Trustees of Higher Education established  
28 pursuant to the Maine Revised Statutes, Title 20-A, chapter 402. The University of  
29 Maine System is governed by the Board of Trustees of Higher Education in accordance  
30 with Title 20-A, chapter 402.

31 **Sec. A-15. P&SL 1865, c. 532, §4-B, sub-§1,** as amended by P&SL 1997, c. 37,  
32 §3, is repealed.

33 **Sec. A-16. P&SL 1941, c. 37, §1, 2nd ¶,** as amended by PL 2007, c. 240, Pt.  
34 XXX, §1, is repealed and the following enacted in its place:

1           As used in this chapter, "board," "board of trustees" or "trustees" means the Board of  
2           Trustees of Higher Education established pursuant to the Maine Revised Statutes, Title  
3           20-A, chapter 402. The affairs of the school are governed by the Board of Trustees of  
4           Higher Education in accordance with Title 20-A, chapter 402.

5           **Sec. A-17. Effective date.** This Part takes effect August 1, 2012.

## 6   **PART B**

7           **Sec. B-1. Unified Board of Higher Education Transition Team.** The  
8           Unified Board of Higher Education Transition Team is established to provide for the  
9           orderly transition of the governance of the University of Maine System, the Maine  
10          Maritime Academy and the Maine Community College System from their respective  
11          boards of trustees to the Board of Trustees of Higher Education as established by the  
12          Maine Revised Statutes, Title 20-A, chapter 402.

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

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

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

19          **2. Members of the transition team.** The transition team consists of the following  
20          members:

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

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

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

27               D. The Commissioner of Education;

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

29               F. Six members of the public, who may not be current or former members of the  
30               boards of trustees of the public postsecondary education institutions and who must  
31               represent 6 distinct and different regions of the State, 2 of whom are appointed by the  
32               President of the Senate, 2 of whom are appointed by the Speaker of the House and 2  
33               of whom are appointed by the Governor; and

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

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

1           **3. Duties; report.** The transition team shall work collaboratively to provide for the  
2 transfer of the duties and powers of the individual boards of trustees of the public  
3 postsecondary education institutions to the Board of Trustees of Higher Education and  
4 shall submit a report to the joint standing committee of the Legislature having jurisdiction  
5 over education and cultural affairs no later than December 2, 2011. In its report, the  
6 transition team shall suggest recommended legislation. The transition team in its report  
7 shall include recommendations that, at a minimum, propose:

8           A. The statutory qualifications, appointment mechanisms and terms for trustees on  
9 the Board of Trustees of Higher Education for inclusion in the Maine Revised  
10 Statutes, Title 20-A, chapter 402;

11          B. The statutory powers and duties of the Board of Trustees of Higher Education for  
12 inclusion in the Maine Revised Statutes, Title 20-A, chapter 402, which may include,  
13 but are not limited to, either the authority or requirement for the board:

14           (1) To develop and adopt policies for and oversee the administration of each  
15 public postsecondary education institution;

16           (2) To prepare budgets for the public postsecondary education institutions for  
17 presentation to the Governor and the Legislature and to otherwise manage the  
18 financial affairs of the institutions, including the authority to establish and collect  
19 tuition and other fees and charges;

20           (3) To enter into any contracts, leases and agreements and any other instruments  
21 and arrangements that are necessary, incidental or convenient to the performance  
22 of its duties and the execution of its powers under Title 20-A, chapter 402;

23           (4) To oversee the legal affairs of the institutions;

24           (5) To develop and adopt personnel policies and procedures for the institutions;

25           (6) To oversee facilities management at the institutions;

26           (7) To ensure the appropriate offering of courses of study, granting of diplomas  
27 and certificates on completion of courses of study and conferring of degrees  
28 authorized at each institution; and

29           (8) To undertake other duties and responsibilities determined necessary by the  
30 transition team;

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

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

38           **4. Committee authorized to submit a bill.** The joint standing committee of the  
39 Legislature having jurisdiction over education and cultural affairs may submit a bill to the  
40 Second Regular Session of the 125th Legislature based upon the report submitted by the  
41 transition team.

1

## SUMMARY

2           This bill replaces the Board of Trustees of the University of Maine System, the Board  
3 of Trustees of the Maine Community College System and the Board of Trustees of the  
4 Maine Maritime Academy with the Board of Trustees of Higher Education to provide a  
5 unified body for the governance of those institutions.

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

9           Part B establishes a transition team to recommend further changes to the law to fully  
10 accomplish the transition to the unified board. The transition team will specifically  
11 recommend changes to determine the qualifications of trustees and the powers and duties  
12 of the unified board in a report to the joint standing committee of the Legislature having  
13 jurisdiction over education and cultural affairs. The report of the transition team must  
14 also recommend changes to the administration or organization and the existing law  
15 governing the University of Maine System, the Maine Maritime Academy and the Maine  
16 Community College System to ensure that any potential conflicts with the law  
17 establishing the new unified board are avoided. The joint standing committee is  
18 authorized to submit a bill to the Second Regular Session of the 125th Legislature based  
19 upon the report.