

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 180

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H.P. 136

House of Representatives, January 24, 2017

### **An Act To Enhance Higher Education in Maine through the Creation of 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 "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative FREDETTE of Newport.  
Cosponsored by Representatives: ESPLING of New Gloucester, GINZLER of Bridgton,  
POULIOT of Augusta, SAMPSON of Alfred, STEWART of Presque Isle, TURNER of  
Burlington.

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

2 **PART A**

3 **Sec. A-1. 5 MRSA §1742-C, sub-§3**, as amended by PL 2013, c. 368, Pt. R, §3,  
4 is repealed.

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6 repealed.

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 OO, §2 and affected by §4, is repealed.

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10 repealed.

11 **Sec. A-5. 5 MRSA §12004-C, sub-§10** is enacted to read:

12 **10.**  
13 Board of Trustees of Higher                      Expenses Only                      20-A MRSA §10022  
14 Education

15 **Sec. A-6. 20-A MRSA c. 402** is enacted to read:

16 **CHAPTER 402**  
17 **BOARD OF TRUSTEES OF HIGHER EDUCATION**

18 **§10021. Definitions**

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

21 **1. Board.** "Board" means the Board of Trustees of Higher Education established  
22 under section 10022.

23 **2. Public postsecondary education institution.** "Public postsecondary education  
24 institution" means:

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

26 B. The Maine Maritime Academy, as established by Private and Special Law 1941,  
27 chapter 37; and

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

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

1           **§10022. Board of Trustees of Higher Education**

2           **1. Board established.** The Board of Trustees of Higher Education is established  
3 pursuant to Title 5, section 12004-C, subsection 10 to govern the affairs and operations of  
4 the public postsecondary education institutions in this State.

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

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

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

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

9           **Sec. A-7. 20-A MRSA §12701, sub-§2,** as enacted by PL 1985, c. 695, §11, is  
10 amended to read:

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

13           **Sec. A-8. 20-A MRSA §12705,** as amended by PL 2005, c. 425, §25, is repealed.

14           **Sec. A-9. 20-A MRSA §12706,** as amended by PL 2013, c. 368, Pt. R, §4, is  
15 repealed.

16           **Sec. A-10. 20-A MRSA §12709, sub-§7,** as enacted by PL 1985, c. 695, §11, is  
17 repealed.

18           **Sec. A-11. 20-A MRSA §12712, sub-§6,** as amended by PL 1989, c. 443, §48  
19 and c. 878, Pt. I, §10, is repealed.

20           **Sec. A-12. 20-A MRSA §12718,** as amended by PL 1991, c. 376, §42 and PL  
21 2005, c. 397, Pt. D, §3, is repealed.

22           **Sec. A-13. P&SL 1865, c. 532, §4,** as amended by P&SL 1997, c. 37, §2, is  
23 repealed and the following enacted in its place:

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

29           **Sec. A-14. P&SL 1865, c. 532, §4-B, sub-§1,** as amended by P&SL 1997, c. 37,  
30 §3, is repealed.

31           **Sec. A-15. P&SL 1941, c. 37, §1, 2nd ¶,** as amended by PL 2007, c. 240, Pt.  
32 XXX, §1, is repealed and the following enacted in its place:

33           As used in this Act, "board," "board of trustees" or "trustees" means the Board of  
34 Trustees of Higher Education established pursuant to the Maine Revised Statutes, Title

1 20-A, chapter 402. The affairs of the school are governed by the Board of Trustees of  
2 Higher Education in accordance with Title 20-A, chapter 402.

3 **Sec. A-16. Effective date.** This Part takes effect August 1, 2018.

4 **PART B**

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

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

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

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

17 **2. Members of the transition team.** The transition team consists of the following  
18 members:

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

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

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

25 D. The Commissioner of Education;

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

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

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

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

37 **3. Duties; report.** The transition team shall work collaboratively to provide for the  
38 transfer of the duties and powers of the individual boards of trustees of the public

1 postsecondary education institutions to the Board of Trustees of Higher Education and  
2 shall submit a report to the joint standing committee of the Legislature having jurisdiction  
3 over education and cultural affairs no later than December 2, 2017. In its report, the  
4 transition team shall suggest recommended legislation. The transition team in its report  
5 shall include recommendations that, at a minimum, propose:

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

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

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

14 (2) To prepare budgets for the institutions for presentation to the Governor and  
15 the Legislature and to otherwise manage the financial affairs of the institutions,  
16 including the authority to establish and collect tuition and other fees and charges;

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

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

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

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

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

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

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

31 D. Changes to the laws governing the public postsecondary education institutions to  
32 ensure substantive and technical consistency and avoid ambiguity or conflict in those  
33 laws in relation to fully implementing the transition to the Board of Trustees of  
34 Higher Education.

35 **4. Committee authorized to submit a bill.** The joint standing committee of the  
36 Legislature having jurisdiction over education and cultural affairs may submit a bill to the  
37 Second Regular Session of the 128th Legislature based upon the report submitted by the  
38 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 references to the unified board and enacts a new chapter in the  
8 Maine Revised 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 recommend  
11 specific changes to determine the qualifications of trustees and the powers and duties of  
12 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 of and the existing law  
15 governing the University of Maine System, the Maine Maritime Academy and the Maine  
16 Community College System to ensure the efficient operation under the unified board and  
17 to avoid any potential conflicts with the law establishing the unified board. The joint  
18 standing committee is authorized to submit a bill to the Second Regular Session of the  
19 128th Legislature based upon the report.