

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

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Legislative Document

No. 1820

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H.P. 1353

House of Representatives, December 17, 2021

**An Act To Strengthen the Governance of the Maine Community  
College System and University of Maine System**

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 15, 2021. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative MILLETT of Cape Elizabeth.  
Cosponsored by Senator BREEN of Cumberland and  
Representatives: OSHER of Orono, PEBWORTH of Blue Hill, ROEDER of Bangor, Senators:  
RAFFERTY of York, VITELLI of Sagadahoc.

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

3           **Whereas,** it is critical that the State have a well-functioning and high-quality public  
4 higher education system; and

5           **Whereas,** the need for cooperation between labor and management in our higher  
6 education system is urgent given the inflow of federal and state pandemic stimulus funds  
7 to Maine's higher education system; and

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

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

13           **Sec. 1. 20-A MRSA §12705, sub-§1,** as amended by PL 2005, c. 425, §25, is  
14 further amended to read:

15           **1. Membership.** The board of trustees consists of 13 appointed voting members, one  
16 ex officio voting member ~~and~~ 1 ex officio, nonvoting member and 3 appointed nonvoting  
17 members as follows:

18           C. Twelve from the field of business and industry, the field of labor, the field of  
19 education and the general public;

20           D. The Commissioner of Education, or the commissioner's successor, who serves as  
21 an ex officio voting member;

22           F. The Commissioner of Labor, or the commissioner's successor, who serves as an ex  
23 officio nonvoting member; ~~and~~

24           G. One member who is from the student body of one of the community college  
25 campuses at the time of appointment and who is a permanent resident of the State. To  
26 be eligible for appointment as a student member, a student must be enrolled for a  
27 minimum of 12 credit hours per semester.

28           The student member is a full voting member of the board of trustees and serves for a  
29 2-year term and until a successor is qualified. By January 1st of every 2nd year, the  
30 president of the system shall solicit a list of 6 eligible students from the student  
31 governments from 6 of the campuses within the Maine Community College System,  
32 the 7th campus being excluded in accordance with this subsection. The Governor shall  
33 then nominate a student trustee chosen from the list within 30 days of receiving the list  
34 of names. The nomination is subject to review by the joint standing committee of the  
35 Legislature having jurisdiction over education matters and to confirmation by the  
36 Legislature. The student trustee may not come from the same campus in any 2  
37 consecutive terms. In the event that the student trustee transfers from one campus to  
38 another during the student's term of appointment, the student's original campus of  
39 enrollment is the campus excluded when the next student trustee is appointed;

40           H. One full-time member of the faculty employed by the system, who serves as a  
41 nonvoting member;

1            I. One member of the adjunct faculty employed by the system, who serves as a  
2            nonvoting member; and

3            J. One full-time nonfaculty staff member employed by the system, who serves as a  
4            nonvoting member.

5            **Sec. 2. 20-A MRSA §12705, sub-§2**, as amended by PL 1991, c. 140, §3, is further  
6            amended to read:

7            **2. Appointment; terms.** This subsection governs appointment and terms of members  
8            of the board of trustees other than the terms of faculty and staff members of the system  
9            appointed under subsection 2-A. Members of the board of trustees are appointed by the  
10           Governor to 4-year terms of office, subject to review by the joint standing committee of  
11           the Legislature having jurisdiction over education matters and to confirmation by the  
12           Legislature. In appointing members to the board, the Governor shall give proper  
13           consideration to achieving statewide geographical representation and gender equity. No  
14           classified or unclassified employee of the State or person who holds elected state office  
15           may serve on the board of trustees, with the exception of the ex officio members.

16           **Sec. 3. 20-A MRSA §12705, sub-§2-A** is enacted to read:

17           **2-A. Appointment of faculty and staff members; terms; vacancies; compensation.**  
18           Notwithstanding Title 17, section 3104, this subsection governs appointment, terms,  
19           vacancies and compensation of faculty and staff members of the system appointed to the  
20           board of trustees pursuant to subsection 1, paragraphs H to J. These members serve for 2-  
21           year terms and until a successor is qualified. Sixty days prior to the expiration of the  
22           members' terms, the Governor shall solicit a list of 3 eligible candidates from each of the  
23           unions to which faculty, adjunct faculty and staff of the system, respectively, belong. The  
24           Governor shall nominate the faculty, adjunct faculty or staff member within 30 days of  
25           receiving the lists of names, and the nomination is subject to review by the joint standing  
26           committee of the Legislature having jurisdiction over education matters and confirmation  
27           by the Legislature. The members appointed to a given seat may not come from the same  
28           campus in any 2 consecutive terms. The members must be granted reasonable leave with  
29           pay at the members' regular salaries as employees of the system to attend meetings and  
30           other board functions that occur between the hours of 8 a.m. and 5 p.m. on business days.  
31           This subsection may not be construed to alter the compensation of a member for the  
32           performance of a member's duties as a system employee.

33           **Sec. 4. 20-A MRSA §12705, sub-§3**, as enacted by PL 1985, c. 695, §11, is  
34           amended to read:

35           **3. Vacancies.** Vacancies Except as provided in subsection 2-A, vacancies on the board  
36           of trustees shall must be filled for the unexpired term only. A member shall serve until a  
37           successor has been appointed and qualified.

38           **Sec. 5. 20-A MRSA §12705, sub-§4**, as enacted by PL 1985, c. 695, §11, is  
39           amended to read:

40           **4. Compensation.** Members shall be Except as provided in subsection 2-A, members  
41           are compensated for their expenses according to Title 5, chapter 379.

42           **Sec. 6. P&SL 1865, c. 532, §4, first ¶**, as amended by PL 1985, c. 779, §89, is  
43           further amended to read:

1           **Sec. 4. Board of Trustees.** The Board of Trustees of the University of Maine  
2 System ~~shall consist~~ consists of ~~16~~ 19 members.

3           **Sec. 7. P&SL 1865, c. 532, §4, sub-§3-B** is enacted to read:

4           **3-B. Faculty member.** Notwithstanding the Maine Revised Statutes, Title 17, section  
5 3104, one of the members must be a full-time member of the faculty employed by the  
6 University of Maine System. The faculty member is a nonvoting member of the Board of  
7 Trustees and serves for a 2-year term and until a successor is qualified. Within 60 days  
8 after the effective date of this subsection, and subsequently 60 days prior to the expiration  
9 of the faculty member's term, the Governor shall solicit a list of 3 eligible candidates from  
10 each of the unions to which faculty members belong. The Governor shall nominate a  
11 faculty member within 30 days of receiving the lists of names, and the nomination is subject  
12 to review by the joint standing committee of the Legislature having jurisdiction over  
13 education matters and confirmation by the Legislature. The faculty member may not come  
14 from the same campus in any 2 consecutive terms. The faculty member must be granted  
15 reasonable leave with pay at the faculty member's regular salary as an employee of the  
16 University of Maine System to attend meetings and other board functions that occur  
17 between the hours of 8 a.m. and 5 p.m. on business days. This subsection may not be  
18 construed to alter the compensation of the faculty member for the performance of the  
19 member's duties as a University of Maine System employee.

20           **Sec. 8. P&SL 1865, c. 532, §4, sub-§3-C** is enacted to read:

21           **3-C. Nonfaculty staff member.** Notwithstanding the Maine Revised Statutes, Title  
22 17, section 3104, one of the members must be a full-time nonfaculty staff member  
23 employed by the University of Maine System. The staff member is a nonvoting member  
24 of the Board of Trustees and serves for a 2-year term and until a successor is qualified.  
25 Within 60 days after the effective date of this subsection, and subsequently 60 days prior  
26 to the expiration of the staff member's term, the Governor shall solicit a list of 3 eligible  
27 candidates from each of the unions to which staff members belong. The Governor shall  
28 nominate a staff member within 30 days of receiving the lists of names, and the nomination  
29 is subject to review by the joint standing committee of the Legislature having jurisdiction  
30 over education matters and confirmation by the Legislature. The staff member may not  
31 come from the same campus or union in any 2 consecutive terms. The staff member must  
32 be granted reasonable leave with pay at the staff member's regular salary as an employee  
33 of the University of Maine System to attend meetings and other board functions that occur  
34 between the hours of 8 a.m. and 5 p.m. on business days. This subsection may not be  
35 construed to alter the compensation of the staff member for the performance of the  
36 member's duties as a University of Maine System employee.

37           **Sec. 9. P&SL 1865, c. 532, §4, sub-§3-D** is enacted to read:

38           **3-D. Adjunct faculty member.** Notwithstanding the Maine Revised Statutes, Title  
39 17, section 3104, one of the members must be an adjunct faculty member employed by the  
40 University of Maine System. The adjunct faculty member is a nonvoting member of the  
41 Board of Trustees and serves for a 2-year term and until a successor is qualified. Within  
42 60 days after the effective date of this subsection, and subsequently 60 days prior to the  
43 expiration of the adjunct faculty member's term, the Governor shall solicit a list of 3 eligible  
44 candidates from each of the unions to which adjunct faculty members belong. The  
45 Governor shall nominate an adjunct faculty member within 30 days of receiving the lists

1 of names, and the nomination is subject to review by the joint standing committee of the  
2 Legislature having jurisdiction over education matters and confirmation by the Legislature.  
3 The adjunct faculty member may not come from the same campus or union in any 2  
4 consecutive terms. The adjunct faculty member must be granted reasonable leave with pay  
5 at the adjunct faculty member's regular salary as an employee of the University of Maine  
6 System to attend meetings and other board functions that occur between the hours of 8 a.m.  
7 and 5 p.m. on business days. This subsection may not be construed to alter the  
8 compensation of the adjunct faculty member for the performance of the member's duties as  
9 a University of Maine System employee.

10 **Sec. 10. Initial term of Board of Trustees of the Maine Community College**  
11 **System nonvoting faculty and staff members.** Notwithstanding the Maine Revised  
12 Statutes, Title 20-A, section 12705, subsection 2-A, the nonvoting faculty, adjunct faculty  
13 and staff members appointed to the Board of Trustees of the Maine Community College  
14 System pursuant to the Maine Revised Statutes, Title 20-A, section 12705, subsection 1,  
15 paragraphs H to J must be appointed by the Governor within 60 days of the effective date  
16 of this legislation. For each respective appointment, the Governor shall solicit lists of 3  
17 eligible candidates from each union to which the members may belong. The Governor  
18 shall nominate the members within 30 days of receiving the lists of names, and the  
19 nominations are subject to review by the joint standing committee of the Legislature having  
20 jurisdiction over education matters and confirmation by the Legislature. For each  
21 respective member, the members may not come from the same campus in any 2 consecutive  
22 terms. The members must be granted reasonable leave with pay at the members' regular  
23 salaries as employees of the Maine Community College System to attend meetings and  
24 other board functions that occur between the hours of 8 a.m. and 5 p.m. on business days.  
25 This subsection may not be construed to alter the compensation of the members for the  
26 performance of the members' duties as system employees. These members serve for 2-  
27 year terms and until a successor is qualified.

28 **Emergency clause.** In view of the emergency cited in the preamble, this legislation  
29 takes effect when approved.

### 30 SUMMARY

31 This bill adds 3 members each to the Board of Trustees of the University of Maine  
32 System and the Board of Trustees of the Maine Community College System: a faculty  
33 member, a nonfaculty staff member and an adjunct faculty member, notwithstanding the  
34 Maine Revised Statutes, Title 17, section 3104, which governs conflicts of interest and  
35 contracts made on behalf of the State. The members are nonvoting members, serve 2-year  
36 terms and are appointed by the Governor from a list provided by their respective unions.  
37 The successive members for a seat may not come from the same campus in any 2  
38 consecutive terms. They receive reasonable leave with pay at their university salaries for  
39 board meetings and other board business conducted during working hours, and their  
40 compensation as university employees is not otherwise altered. The bill also requires that  
41 the Governor solicit lists of eligible candidates for initial appointments within 60 days of  
42 the effective date of this Act.