

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

N I N E T Y - S E V E N T H L E G I S L A T U R E

Legislative Document

No. 456

H. P. 409

House of Representatives, February 3, 1955.

Referred to the Committee on Education. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Fuller of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

**AN ACT Ratifying a Proposed Compact Between the State of Maine and
Certain Other States Providing for the Establishment of the New England
Board of Higher Education.**

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

Sec. 1. R. S., c. 41-A, additional. The revised statutes are hereby amended by adding thereto a new chapter to be numbered 41-A, to read as follows:

CHAPTER 41-A.

NEW ENGLAND BOARD OF HIGHER EDUCATION.

Sec. 1. Purposes. The several New England states cooperatively deem it feasible to provide needed, acceptable, efficient, educational facilities to meet the needs of New England in the fields of medicine, dentistry, veterinary medicine, and other fields of technical, professional and graduate training.

Sec. 2. Authorization. The Governor, on behalf of this State, is hereby authorized to enter into a compact, substantially in the following form, with any one or more of the states of Connecticut, Massachusetts, New Hampshire, Rhode Island and Vermont; said compact to be effective upon the filing of a copy thereof in the office of the Secretary of State.

New England Higher Education Compact.

Article I.

The purposes of the New England Higher Education Compact shall be to provide greater educational opportunities and services through the establishment and maintenance of a co-ordinated educational program for the persons

residing in the several states of New England parties to this compact, with the aim of furthering higher education in the fields of medicine, dentistry, veterinary medicine, public health and in professional, technical, scientific, literary and other fields.

Article II.

There is hereby created and established a New England Board of Higher Education hereinafter known as the Board, which shall be an agency of each state party to the compact. The Board shall be a body corporate and politic, having the powers, duties and jurisdiction herein enumerated and such other and additional powers as shall be conferred upon it by the concurrent act or acts of the compacting states. The Board shall consist of 3 resident members from each compacting state, chosen in the manner and for the terms provided by law of the several states parties to this compact.

Article III.

This compact shall become operative immediately as to those states executing it whenever any 2 or more of the states of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island and Connecticut have executed it in the form which is in accordance with the laws of the respective compacting states.

Article IV.

The Board shall annually elect from its members a chairman and vice-chairman and shall appoint and at its pleasure remove or discharge said officers. It may appoint and employ an executive secretary and may employ such stenographic, clerical, technical or legal personnel as shall be necessary, and at its pleasure remove or discharge such personnel. It shall adopt a seal and suitable by-laws and shall promulgate any and all rules and regulations which may be necessary for the conduct of its business. It may maintain an office or offices within the territory of the compacting states and may meet at any time or place. Meetings shall be held at least twice each year. A majority of the members shall constitute a quorum for the transaction of business, but no action of the Board imposing any obligation on any compacting state shall be binding unless a majority of the members from such compacting state shall have voted in favor thereof. Where meetings are planned to discuss matters relevant to problems of education affecting only certain of the compacting states, the Board may vote to authorize special meetings of the board members of such states. The Board shall keep accurate accounts of all receipts and disbursements and shall make an annual report to the Governor and the Legislature of each compacting state, setting forth in detail the operations and transactions conducted by it pursuant to this compact, and shall make recommendations for any legislative action deemed by it advisable, including amendments to the statutes of the compacting states which may be necessary to carry out the intent and purpose of this compact. The Board shall not pledge the credit of any compacting state without the consent of the Legislature thereof given pursuant to the constitutional processes of said state. The Board may meet any of its obligations in whole or in part with funds available to it under Article VII of this compact; provided, that the Board takes specific action setting aside such funds prior

to the incurring of any obligation to be met in whole or in part in this manner. Except where the Board makes use of funds available to it under Article VII hereof, the Board shall not incur any obligations for salaries, office, administrative, traveling or other expenses prior to the allotment of funds by the compacting states adequate to meet the same. Each compacting state reserves the right to provide hereafter by law for the examination and audit of the accounts of the Board. The Board shall appoint a treasurer who may be a member of the Board, and disbursements by the Board shall be valid only when authorized by the Board and when vouchers therefor have been signed by the executive secretary and countersigned by the treasurer. The executive secretary shall be custodian of the records of the Board with authority to attest to and certify such records or copies thereof.

Article V.

The Board shall have the power to:

I. Collect, correlate and evaluate data in the fields of its interest under this compact; to publish reports, bulletins and other documents making available the results of its research; and, in its discretion, to charge fees for said reports, bulletins and documents;

II. Enter into such contractual agreements or arrangements with any of the compacting states or agencies thereof and with educational institutions and agencies as may be required in the judgment of the Board to provide adequate services and facilities in educational fields covered by this compact; provided, that it shall be the policy of the Board in the negotiation of its agreements to serve increased numbers of students from the compacting states through arrangements with then existing institutions, whenever in the judgment of the Board adequate service can be so secured in the New England region. Each of the compacting states shall contribute funds to carry out the contracts of the Board on the basis of the number of students from such state for whom the Board may contract. Contributions shall be at the rate determined by the Board in each educational field. Except in those instances where the Board by specific action allocates funds available to it under Article VII hereof, the Board's authority to enter into such contracts shall be only upon appropriation of funds by the compacting states. Any contract entered into shall be in accordance with rules and regulations promulgated by the Board and in accordance with the laws of the compacting states.

Article VI.

Each state agrees that, when authorized by the Legislature pursuant to the constitutional processes, it will from time to time make available to the Board such funds as may be required for the expenses of the Board as authorized under the terms of this compact. The contribution of each state for this purpose shall be in the proportion that its population bears to the total combined population of the states who are parties hereto as shown from time to time by the most recent official published report of the Bureau of the Census of the United States of America, unless the Board shall adopt another basis in making its recommendation for appropriation to the compacting states.

Article VII.

The Board for the purposes of this compact is hereby empowered to receive grants, devises, gifts and bequests which the Board may agree to accept and administer. The Board shall administer property held in accordance with special trusts, grants and bequests, and shall also administer grants and devises of land and gifts or bequests of personal property made to the Board for special uses, and shall execute said trusts, investing the proceeds thereof in notes or bonds secured by sufficient mortgages or other securities.

Article VIII.

The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the Constitution of any compacting state or of the United States the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby; provided, that if this compact is held to be contrary to the Constitution of any compacting state the compact shall remain in full force and effect as to all other compacting states.

Article IX.

This compact shall continue in force and remain binding upon a compacting state until the Legislature or the Governor of such state, as the laws of such state shall provide, takes action to withdraw therefrom. Such action shall not be effective until 2 years after notice thereof has been sent by the Governor of the state desiring to withdraw to the Governors of all other states when parties to the compact. Such withdrawal shall not relieve the withdrawing state from its obligations accruing hereunder prior to the effective date of withdrawal. Any state so withdrawing, unless reinstated, shall cease to have any claim to or ownership of any of the property held by or vested in the Board or to any of the funds of the Board held under the terms of the compact. Thereafter, the withdrawing state may be reinstated by application after appropriate legislation is enacted by such state, upon approval by a majority vote of the Board.

Article X.

If any compacting state shall at any time default in the performance of any of its obligations assumed or imposed in accordance with the provisions of this compact, all rights and privileges and benefits conferred by this compact or agreement hereunder shall be suspended from the effective date of such default as fixed by the Board. Unless such default shall be remedied within a period of 2 years following the effective date of such default, this compact may be terminated with respect to such defaulting state by affirmative vote of three fourths of the other member states. Any such defaulting state may be reinstated by:

- I. Performing all acts and obligations upon which it has heretofore defaulted, and
 - II. Application to and approval by a majority vote of the Board.
- Sec. 3. Compact effective. When the Governor shall have executed said

compact on behalf of this State, and shall have caused a verified copy thereof to be filed with the Secretary of State, and when said compact shall have been ratified by one or more of the states named in section 2 of this chapter, then said compact shall become operative and effective as between this State and such other state or states. The Governor is hereby authorized and directed to take such action as may be necessary to complete the exchange and filing of official documents as between this State and any other state ratifying said compact, and to take such steps as may be necessary to secure the consent of the Congress of the United States to the compact.

Sec. 4. Board established. The 3 members who shall represent the State of Maine are:

I. The President of the University of Maine, ex officio, in office at the time being;

II. The Commissioner of Education, ex officio, in office at the time being; and

III. A member of the Legislature to be chosen by the Governor by and with the consent of the Council, whose term as such member of the Board shall expire when he shall cease to be a member of the Legislature or at the expiration of 6 years from the date of his appointment whichever shall first occur. All members shall be entitled to their actual expenses incurred in the performance of their duties as such.

Sec. 5. Board; duties. The Board on the part of the State shall obtain accurate accounts of all the Board's receipts and disbursements and shall report to the Governor and the Commissioner of Finance and Administration annually on or before the 15th day of September, setting forth in such detail as said Commissioner may require the transactions of the Board for the fiscal year ending on the preceding June 30th. They shall include in such report recommendations for any legislation as may be necessary or desirable to carry out the intent and purposes of the New England Higher Education Compact among the states joining therein.'

Sec. 2. Appropriation. There is hereby appropriated from the unappropriated surplus of the general fund the sum of \$2,000 for the fiscal year ending June 30, 1956, and the sum of \$2,000 for the fiscal year ending June 30, 1957 to carry out the purposes of this act.