

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
One Hundred and Sixth Legislature  
1ST SPECIAL SESSION  
JANUARY 2, 1974 TO MARCH 29, 1974  
AND BY THE  
One Hundred and Seventh Legislature  
REGULAR SESSION  
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,  
SECTION 164, SUBSECTION 6.

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1975

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PUBLIC LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE  
One Hundred and Seventh Legislature

1975

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amount awarded to him by it. Notice shall be given to the commissioner of claims made against any foreign fishing vessel owner, the amount of the claim and the disposition of the claim, including the amount of settlement, if any.

5. State recovery for claims. The Department of Marine Resources is subrogated to the rights of the Maine fishing vessel owner and has a claim for relief or cause of action against the foreign fishing vessel, separate from that of the claimant to the extent that he has been compensated by the fund, to the extent that such claims are recoverable under state, federal or international law. Any recovery made shall be paid to the fund.

6. Designation. The commissioner is authorized to designate persons within the department who shall carry out the duties of this section.

7. Regulations. The commissioner, after a public hearing, preceded by adequate notice to the public, may adopt any rules or regulations necessary to carry out the duties of this section. The commissioner shall furnish a reasonable number of copies of these rules or regulations to members of the public upon request.

Sec. 2. Appropriation. There is appropriated from the General Fund to the Department of Marine Resources the sum of \$25,000 to carry out the purposes of this Act. It is the intent of this Act that the Legislature shall make annual appropriations necessary to maintain this fund at \$25,000. All appropriations by the Legislature shall not lapse, but shall be carried forward and expended for the purpose of this fund. The breakdown shall be as follows:

1975-76

MARINE RESOURCES, DEPARTMENT OF

Maine Fishing Gear Damage Fund \$25,000

Sec. 3. Intent. It is the intent of this Act that the commissioner shall only compensate claims arising on or after the effective date of this Act.

Effective October 1, 1975

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CHAPTER 601

AN ACT Creating the Post-secondary Education Commission of Maine.

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

Sec. 1. 20 MRSA c. 4 is enacted to read:

CHAPTER 4

POST-SECONDARY EDUCATION COMMISSION OF MAINE

§ 71. Establishment

There is created and established a state agency to be called the Post-secondary Education Commission of Maine, heretofore and hereafter in this

Title called the "Post-secondary Education Commission," which shall exercise such powers and perform such duties as are set forth in this Title.

§ 72. Short title

This chapter may be cited as the PECOM Act.

§ 73. Powers and duties

PECOM shall have the following powers and duties:

1. **Comprehensive planning.** To conduct comprehensive planning for post-secondary education in Maine, including planning in cooperation with the New England Board of Higher Education and other New England states, to assure the development, maintenance and accessibility of diversified post-secondary educational opportunities of high quality for Maine citizens, and to seek efficient use of limited resources through promotion of voluntary coordination and cooperation among institutions and educational sectors and through encouragement of efforts to avoid unnecessary duplication of institutions, programs and facilities. Such comprehensive planning shall take into consideration the educational, cultural, social and economic contributions to Maine of all of the post-secondary educational institutions in the State. It is the intent of the Legislature that such comprehensive planning shall lead to a cohesive system of post-secondary education involving all of the public, private non-profit and proprietary post-secondary educational institutions in the State.

2. **State commission under § 1202 of Higher Education Act.** To serve as the state commission as required under section 1202 of the Higher Education Act of 1965, as amended (20 U. S. C. 1142a), as a condition for participation by the State in certain federal programs of assistance to post-secondary education students and institutions.

3. **Annual report.** To present a report annually, before December 31st, to the Governor and the Legislature on "The State of Post-secondary Education in Maine," in which it reviews the comprehensive planning for the previous year and makes recommendations based on this planning which might lead to the maximum realization of the objectives of subsection 1.

4. **Studies.** To undertake such studies of post-secondary education in Maine as may be requested from time to time by the Legislature and the Governor and to provide such reports and other information to appropriate committees of the Legislature as may be requested.

§ 74. Limitations of the authority of PECOM with respect to institutions

No provision of this chapter or Title related to the authority, responsibilities and functions of PECOM shall be construed as authorizing the commission to infringe upon or substitute its authority for or otherwise modify the governing authority of any institution of post-secondary education.

§ 75. Definition of post-secondary education

For the purposes of this Title, "post-secondary education" shall include formal instruction primarily for persons who have completed grade 12 or the

equivalent, research and public service provided by public, private nonprofit and proprietary institutions duly authorized to undertake such activities. "Post-secondary education" shall not be limited to educational programs leading to a degree, but shall also include vocational, technical and career educational programs primarily for persons who have completed grade 12. "Post-secondary education" shall not include adult basic education programs administered by local school boards.

§ 76. Membership of PECOM

PECOM shall be comprised of 16 members drawn from the following groups:

1. Representatives of public boards and advisory councils. Five members of PECOM shall be members of principal public governing and administrative boards concerned with post-secondary education in Maine and the Maine Advisory Council on Vocational Education. The number of positions on PECOM assigned to members from each body shall be as follows:

A. Two positions for members of the Board of Trustees of the University of Maine;

B. One position for a member of the State Board of Education;

C. One position for a member of the Maine Delegation of the New England Board of Higher Education. This member shall not, at the time of appointment to or during any time of membership of the Post-secondary Education Commission, be the Chancellor of the University of Maine, the Commissioner of Educational and Cultural Services or an administrative officer or member of the governing board of a public, private nonprofit or proprietary post-secondary educational institution in Maine.

D. One position for a member of the Maine Advisory Council on Vocational Education.

E. One position to be shared on the basis of 2-year terms between a member of the Board of Trustees of the Maine Maritime Academy and an appointment representing the general public who shall be selected in accordance with subsection 5. The original 2-year appointment shall be filled by the trustee of the Maine Maritime Academy.

The representatives of the Board of Trustees of the University of Maine, the State Board of Education, the Maine delegation to the New England Board of Higher Education and the Maine Advisory Council on Vocational Education shall be selected in accordance with the procedures of the respective body.

The terms of members from the Board of Trustees of the University of Maine shall be for 4 years, except that the initial term of one member shall be for one year. The term of the member of the State Board of Education shall be for 4 years, except that the initial term shall be for 2 years. The term of the member of the New England Board of Higher Education shall be for 4 years. The term of the member from the Maine Advisory Council on Vocational Education shall be for 4 years, except that the initial term shall be for 3 years.

There shall be no limitation on the number of terms a person may serve in one of the positions on PECOM assigned to these bodies, except at the time of expiration of a person's membership on the Board of Trustees of the University of Maine, the State Board of Education, the Maine delegation to the New England Board of Higher Education, or the Maine Advisory Council on Vocational Education, such a person shall be ineligible to be appointed to, or to continue to serve as a member of, PECOM.

If prior to the expiration of a term, a vacancy occurs with respect to one of the 5 positions on PECOM assigned to bodies as set forth above, such a vacancy shall be filled for the period of the unexpired term by, and from the membership of, the body to which that position is assigned.

2. The Chancellor of the University of Maine and the Commissioner of Educational and Cultural Services. The Chancellor of the University of Maine and the Commissioner of Educational and Cultural Services shall serve as ex officio members of PECOM.

3. Representatives of private nonprofit institutions of post-secondary education. Three positions on PECOM shall be assigned to representatives of private nonprofit institutions of post-secondary education in Maine. Such representatives shall be appointed by a subcommittee of the Higher Education Council of Maine composed of private college members. This subcommittee shall not be limited in its choice of representatives to members of the Higher Education Council of Maine, but also shall consider administrative officers and members of the governing boards of any private nonprofit institution of post-secondary education.

The term of members from private nonprofit post-secondary educational institutions shall be for 4 years, except that one initial appointment shall be for one year, a 2nd initial appointment shall be for 2 years and the 3rd initial appointment shall be for 3 years.

There shall be no limitation on the number of terms a person may serve except that a person shall be ineligible to be appointed to, or to continue to serve as a member of PECOM as a representative of a private nonprofit post-secondary education institution if such person is not, or ceases to be, an employee of or in an official position at such an institution.

If, prior to the expiration of a term, a vacancy occurs with respect to one of the 3 positions assigned to private nonprofit institutions, such a vacancy shall be filled for the period of the unexpired term by the subcommittee of the Higher Education Council of Maine composed of private college members.

4. Representatives of proprietary institutions of post-secondary education. One position on PECOM shall be assigned to a representative of proprietary institutions of post-secondary education in Maine. This representative shall be a chief executive officer or member of the governing board of a federally recognized proprietary institution, as defined in section 1201 of the Higher Education Act of 1965, of post-secondary education and shall be appointed by the Governor, with the advice and consent of the Council, for a 4-year term.

There shall be no limitation on the number of terms a person may serve, except that a person shall be ineligible to be appointed to, or to continue to serve as a member of, PECOM as a representative of proprietary post-secondary education institutions if such person is not, or ceases to be, an employee of or a member of the governing board of such an institution.

If, prior to the expiration of a term, a vacancy occurs with respect to the position assigned to a representative of proprietary institutions, the Governor shall appoint, with the advice and consent of the Council, a person from among those eligible to serve in such a position to serve for the remainder of the unexpired term.

5. Representatives of the general public. Four positions on PECOM shall be assigned to members of the general public in Maine. Such members shall not, at the time of appointment to or during any time of membership on PECOM, be employees of, or members of the governing body of, a public, private non-profit or proprietary institution of post-secondary education in Maine. Representatives of the general public in Maine shall be appointed to PECOM by the Governor, with the advice and consent of the Council, for 4-year terms, except that one initial appointment shall be for one year, a 2nd initial appointment shall be for 2 years and a 3rd initial appointment shall be for 3 years.

If, prior to the expiration of a term, a vacancy should occur, a person meeting the conditions set forth with respect to representatives of the general public shall be appointed by the Governor, with the advice and consent of the Council, to complete the remainder of the unexpired term.

All members of PECOM shall serve without pay, but shall be reimbursed for travel and other expenses incurred in the performance of their official duties as members of PECOM.

All members of PECOM shall serve until their successors have been duly appointed and qualified.

#### § 77. Appointment of the chairperson

The chairperson of PECOM shall be appointed by the members of the commission from among the 4 public members. Appointment of the chairperson shall be in accordance with procedures adopted by PECOM. The term of the chairperson shall be coterminous with that member's term on the commission. There shall be no limitation on the number of terms as chairperson an individual may serve, provided that such a person continues to be a member in good standing of PECOM.

#### § 78. Meetings

PECOM shall meet immediately after appointment at the call of the Governor. It is the intent of the Legislature that all appointments shall be made and an organizational meeting held within 30 days of the effective date of this Act.

Meetings shall be held monthly on call of the chairperson of the commission on 5 days' written notice to the members. If the chairperson shall be absent or refuses to call a meeting, any 4 members of the commission may call a meeting by similar notices in writing.

#### § 79. Designation of PECOM as the state agency or state commission for the purposes of certain federal programs



PECOM is hereby designated as the state commission as required by subsection 1202(a) of the Higher Education Act of 1965, as amended, (20 U.S.C. 1142a), if the State desires to receive federal assistance for comprehensive planning for post-secondary education under section 1203 of the Higher Education Act of 1965, as amended, (20 U.S.C. 1142b), and grants for planning and programs for community colleges and occupational education under Title X of the Higher Education Act of 1965, as amended, (20 U.S.C. 1135).

PECOM is authorized to develop such plans, rules, regulations and procedures, and to establish or designate such advisory committees or councils or task forces to carry out the requirements of the federal laws and other programs for which PECOM is assigned responsibility under this section.

PECOM is authorized to undertake such other functions as are assigned by federal law or regulation to state commissions designated pursuant to section 1202 of the Higher Education Act of 1965, as amended, (20 U.S.C. 1142a).

PECOM is authorized to accept and disburse all moneys in accordance with the Higher Education Act of 1965, as amended, for which PECOM is assigned state responsibility under this section.

§ 80. Collection of information

PECOM shall request institutions of post-secondary education in Maine to submit such information as may be reasonably necessary for the commission to carry out responsibilities defined by federal and state law and to perform effective comprehensive planning. Such authority shall be limited by safeguards necessary to protect the confidentiality of information related to specific persons.

§ 81. Staff

PECOM shall have the following staff:

1. Executive director. PECOM is authorized to appoint an executive director, who shall serve at the pleasure of the commission and shall maintain offices in Augusta. The compensation of the executive director shall be fixed by the Governor and Council.

2. Other staff. PECOM is authorized to employ such other professional and clerical staff as may be deemed necessary to carry out the responsibilities of the commission.

3. Retirement status of personnel. Any person employed by PECOM, who at the time of employment was a member of the State Retirement System or the University of Maine Retirement System, may continue to be a member of said system. Any person employed by PECOM shall be eligible to become a member of the State Retirement System.

Sec. 2. Appropriation. There is appropriated to the Post-secondary Education Commission from the General Fund for the purpose of operation for the fiscal year beginning July 1, 1975 and ending June 30, 1976, the sum of \$50,000. The breakdown shall be as follows:

1975-76

POST-SECONDARY EDUCATION COMMISSION  
 OF MAINE

Unallocated

\$50,000