

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

FIRST SPECIAL SESSION

July 11, 1991 to July 18, 1991

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1991

RESOLVES
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

legislation, to the Second Regular Session of the 115th Legislature no later than November 1, 1991.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective July 5, 1991.

CHAPTER 44

S.P. 548 - L.D. 1452

Resolve, to Create the Commission to Study the History, Status, Impact and Role of Independent Higher Education in Maine

Whereas, independent higher education plays a critical role in the State; and

Whereas, more than 5,000 Maine students annually attend one of the 12 independent institutions of higher education in the State, many in programs not offered by the state-supported institutions; and

Whereas, Maine's future ability to be competitive economically, financially and intellectually depends in large measure on the availability of quality higher education; now, therefore, be it

Sec. 1. Commission established. Resolved: That the Commission to Study the History, Status, Impact and Role of Independent Higher Education in Maine is established; and be it further

Sec. 2. Membership. Resolved: That the commission consists of 9 members appointed as follows.

1. The Governor shall appoint 3 members, one of whom must be a member of the Higher Education Council of Maine, and 2 of whom must be business, labor, education or community leaders. Of these members, at least 2 must be graduates of independent institutions of higher education and at least 2 must be residents of the State.

2. The President of the Senate shall appoint 3 members, one of whom must be a member of the Senate and 2 of whom must be business, labor, education or community leaders. Of these members, at least 2 must be graduates of independent institutions of higher learning and at least 2 must be residents of the State.

3. The Speaker of the House of Representatives shall appoint 3 members, 2 of whom must be members of the House of Representatives and one of whom must be a business, labor, education or community leader. Of these members, at least 2 must be graduates of independent institutions of higher education and at least 2 must be residents of the State; and be it further

Sec. 3. Appointments; meetings; chair. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The commission shall select a chair from among its members. When the appointment of the members is completed, the Chair of the Legislative Council shall call the first meeting within 30 days; and be it further

Sec. 4. Duties. Resolved: That the commission shall study the history, status, impact and role of independent higher education in the State and make recommendations for the future role of these institutions. In conducting this study, the commission shall:

1. Examine the historical significance of, as well as the current educational opportunities provided by, independent higher education for the people of this State, including program offerings available to the students of this State, the impact of research programs and teaching activities, the availability of facilities and community programs and student enrollments;

2. Evaluate the capacity of independent higher educational institutions to meet future educational and economic needs of the State and examine how these institutions may work together with state-supported institutions to better serve such needs;

3. Review the mechanisms by which independent higher educational institutions can complement the State's public higher education systems by providing education, research or other services;

4. Evaluate the state student financial aid policy and practice and the extent to which it supports independent higher educational institutions;

5. Analyze the relative cost of independent and public higher education with and without the support of public funds; and

6. Make recommendations on how state policy and law may be changed to provide a more meaningful role for independent higher educational institutions in state educational planning and services; and be it further

Sec. 5. Report. Resolved: That the commission shall submit its report, together with any necessary implementing legislation, to the First Regular Session of the 116th Legislature and the Office of the Executive Director of the Legislative Council by November 1, 1992; and be it further

Sec. 6. Staff assistance. Resolved: That the commission may contract with a consultant to provide professional services in carrying out these duties, subject to section 8. The consultant shall provide clerical assistance to the commission and shall prepare any legislation recommended by the commission. The chair of

the commission shall manage the consultant's work; and be it further

Sec. 7. Reimbursement. Resolved: That the members of the commission who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for days of attendance at commission meetings. All members of the commission who are not state employees may receive expenses, as defined in the Maine Revised Statutes, Title 5, section 12002, upon application to the Executive Director of the Legislative Council for those expenses; and be it further

Sec. 8. Funding. Resolved: That the Legislative Council may seek outside sources of funding to finance the study provided in this resolve. The Legislative Council may authorize the commission to develop funding proposals. The Executive Director of the Legislative Council shall review and approve any proposal prior to its submission to a funding source. Prior to approving a funding source, the Legislative Council shall examine whether accepting funds from this source will risk the appearance of or actual undue influence upon the study. If the Legislative Council determines that accepting funds from the source will cause this risk, the Legislative Council may not approve the funding source. The Legislative Council shall administer any outside funds acquired for the conduct of the study. Administration of these funds includes the authority for the Executive Director of the Legislative Council to approve or disapprove any contract for assistance to the study in accordance with guidelines adopted by the Legislative Council. Expenditures for the conduct of the study may not be incurred that have an impact on the General Fund. Expenditures may not be incurred relative to this study unless the funding from outside sources has been received by the Legislative Council; and be it further

Sec. 9. Allocation. Resolved: That the following funds are allocated from Other Special Revenue funds to carry out the purposes of this resolve.

1991-92

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Commission to Study the History, Status, Impact and Role of Independent Higher Education in Maine

Personal Services	\$2,145
All Other	23,690

Provides funds to the Commission to Study the History, Status, Impact and Role of Independent Higher Education in Maine for the per diem and expenses of

legislative members, expenses of other members, printing and consulting fees.

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TOTAL \$25,835

See title page for effective date.

CHAPTER 45

H.P. 1201 - L.D. 1757

Resolve, Concerning Reauthorization of the \$16,000,000 Bond Issue for Construction of Correctional Facilities

Sec. 1. Findings; expiration. Resolved: That the Legislature finds that the authorization for the \$16,000,000 bond issue approved by the electorate in November 1986 for construction of correctional facilities will expire in December 1991; and be it further

Sec. 2. Findings; reauthorization necessary. Resolved: That the Legislature finds that, unless the bond issue is reauthorized, the progress made in constructing correctional facilities will be seriously hindered; and be it further

Sec. 3. Reauthorization of bonds. Resolved: That it is the intent of the Legislature to reauthorize bonds not yet issued from the \$16,000,000 bond issue for construction of correctional facilities for an additional 2-year period from the effective date of this resolve; and be it further

Sec. 4. Appropriation. Resolved: That no additional appropriation is required to carry out the purposes of this resolve.

See title page for effective date.

CHAPTER 46

H.P. 1164 - L.D. 1705

Resolve, to Establish the Commission to Study the Feasibility of a Capital Cultural Center

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

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and