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An Act To Create a Unified Board of Higher Education

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

PART A

Sec. A-1. 5 MRSA §12004-C, sub-§2, as enacted by PL 1987, c. 786, §5, is repealed.

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 OO, §2 and affected by §4, is repealed.

Sec. A-3. 5 MRSA §12004-C, sub-§4, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. A-4. 5 MRSA §12004-C, sub-§8 is enacted to read:

8.

Expenses Only

Board of Trustees of
Higher Education

20-A MRSA
§10022

Sec. A-5. 20-A MRSA c. 401-A is enacted to read:

CHAPTER 401-A

Board of Trustees of Higher Education

§ 10021. Definitions

1. Board of higher education. "Board of higher education" means the Board of Trustees of Higher Education.

2. Public postsecondary education institution. "Public postsecondary education institution" means:

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

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

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

3. Trustee. "Trustee" means a member of the Board of Trustees of Higher Education.

§ 10022. Board of higher education

1. Board established. The Board of Trustees of Higher Education is established pursuant to Title 5, section 12004-C, subsection 8 to govern the affairs and operations of the public postsecondary education institutions in this State.

2. Successor. The board of higher education is the successor of the:

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

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

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

Sec. A-6. 20-A MRSA §12701, sub-§2, as enacted by PL 1985, c. 695, §11, is amended to read:

2. Board of trustees. "Board of trustees" means the board of trustees of the system Board of Trustees of Higher Education established under chapter 401-A.

Sec. A-7. 20-A MRSA §12705, as amended by PL 2005, c. 425, §25, is repealed.

Sec. A-8. 20-A MRSA §12706, as amended by PL 2007, c. 67, §§2 and 3, is repealed.

Sec. A-9. 20-A MRSA §12718, as amended by PL 1991, c. 376, §42 and PL 2005, c. 397, Pt. D, §3, is repealed.

Sec. A-10. P&SL 1865, c. 532, §4, as amended by P&SL 1997, c. 37, §2, is repealed and the following enacted in its place:

Sec. 4. Board of trustees. As used in this chapter, "the board of trustees," "the board" or "trustees" means the Board of Trustees of Higher Education established pursuant to the Maine Revised Statutes, Title 20-A, chapter 401-A. The University of Maine System is governed by the Board of Trustees of Higher Education in accordance with Title 20-A, chapter 401-A.

Sec. A-11. P&SL 1865, c. 532, §4-B, sub-§1, as amended by P&SL 1997, c. 37, §3, is repealed.

Sec. A-12. P&SL 1941, c. 37, §1, 2nd ¶, as amended by P&SL 1993, c. 27, §1, is repealed and the following enacted in its place:

As used in this chapter, "board," "board of trustees" or "trustees" means the Board of Trustees of Higher Education established pursuant to the Maine Revised Statutes, Title 20-A, chapter 401-A. The affairs of the school are governed by the Board of Trustees of Higher Education in accordance with Title 20-A, chapter 401-A.

Sec. A-13. Effective date. This Part takes effect August 1, 2010.

PART B

Sec. B-1. Unified Board of Higher Education Transition Team. The Unified Board of Higher Education Transition Team is established to provide for the orderly transition of the governance of the University of Maine System, the Maine Maritime Academy and the Maine Community College System from their respective boards of trustees to the Board of Trustees of Higher Education as established by the Maine Revised Statutes, Title 20-A, chapter 401-A.

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

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

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

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

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

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

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

D. The Commissioner of Education;

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

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

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

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

3. Duties; report. The transition team shall work collaboratively to provide for the transfer of duties and powers of the individual boards of trustees of the public postsecondary education institutions to the Board of Trustees of Higher Education and shall submit a report to the Joint Standing Committee on Education and Cultural Affairs no later than December 2, 2009. In its report, the transition team shall suggest recommended legislation. The transition team in its report shall include recommendations that, at a minimum, propose:

A. The statutory qualifications, appointment mechanisms and terms for trustees on the Board of Trustees of Higher Education for inclusion in the Maine Revised Statutes, Title 20-A, chapter 401-A;

B. The statutory powers and duties of the Board of Trustees of Higher Education for inclusion in the Maine Revised Statutes, Title 20-A, chapter 401-A, which may include, but are not limited to, either the authority or requirement for the board:

- (1) To develop and adopt policies for and oversee the administration of each public postsecondary education institution;
- (2) To prepare budgets for the public postsecondary education institutions for presentation to the Governor and the Legislature and to otherwise manage the financial affairs of the institutions, including the authority to establish and collect tuition and other fees and charges;
- (3) To enter into any contracts, leases and agreements and any other instruments and arrangements that are necessary, incidental or convenient to the performance of its duties and the execution of its powers under Title 20-A, chapter 401-A;
- (4) To oversee the legal affairs of the institutions;
- (5) To develop and adopt personnel policies and procedures for the institutions;
- (6) To oversee facilities management at the institutions;
- (7) To ensure the appropriate offering of courses of study, granting of diplomas and certificates on completion of courses of study and conferring of degrees authorized at each institution; and
- (8) To undertake other duties and responsibilities determined necessary by the transition team;

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

D. Changes to the laws governing the University of Maine System, the Maine Maritime Academy and the Maine Community College System to ensure substantive and technical consistency and avoid ambiguity or conflict in those laws in relation to fully implementing the Board of Trustees of Higher Education.

4. Committee authorized to submit a bill. The Joint Standing Committee on Education and Cultural Affairs may submit a bill to the Second Regular Session of the 124th Legislature based upon the report submitted by the transition team.

SUMMARY

This bill replaces the Board of Trustees of the University of Maine System, the Board of Trustees of the Maine Community College System and the Board of Trustees of the Maine Maritime Academy with the Board of Trustees of Higher Education to provide a unified body for the governance of those institutions.

Part A makes changes to the law to replace some select references to the individual boards of trustees with the unified board and enacts a new chapter in the Maine Revised Statutes, Title 20-A, with provisions that establish the new unified board.

Part B establishes a transition team to recommend further changes to the law to fully accomplish the transition to the unified board. The transition team will specifically recommend changes to determine the qualifications of trustees and the powers and duties of the unified board in a report to the Joint Standing Committee on Education and Cultural Affairs. The report of the transition team must also recommend changes to the administration or organization and the existing law governing the University of Maine System, the Maine Maritime Academy and the Maine Community College System to ensure that any potential conflicts with the law establishing the new unified board are avoided. The joint standing committee is authorized to submit a bill to the Second Regular Session of the 124th Legislature based upon the report.