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Legislative Document

No. 1820

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)

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 "Robert 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 ~~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.