§12706. Powers and duties of the board of trustees

The powers and duties of the board of trustees shall include the following: [PL 1985, c. 695, §11 (NEW).]

1. Policies. To develop and adopt policies for the operation of the system, the Maine Community College System Office and the colleges; establish the presidents' council; and approve programs and policies recommended by the president of the system and the presidents' council;
[PL 2017, c. 179, §4 (AMD).]

2. Administration. To oversee the administration of the system;
[PL 1985, c. 695, §11 (NEW).]

3. Bylaws and seal. To develop and adopt bylaws for the regulation of its affairs and the conduct of its business and develop and adopt an official seal and alter it as necessary or convenient;
[PL 1985, c. 695, §11 (NEW).]

4. Budget development. To prepare and adopt a biennial, line-category, operating budget for presentation to the Governor and the Legislature, incorporating all projected expenditures and all resources expected or proposed to be made available to fund the operations of the system. The budget is to be used in support of any requests to the Legislature for General Fund appropriations that the board of trustees may deem appropriate and necessary to supplement other resources available to the system and shall also serve as the foundation for an annual fiscal management plan for the system;
[PL 1985, c. 695, §11 (NEW).]

4-A. Public improvements budgetary submission. To prepare and adopt a biennial capital improvements budget for presentation to the Governor and the Legislature, incorporating all projected expenditures and all resources expected or proposed to be made available to fund public improvements, as defined by Title 5, section 1741, for the system. In accordance with Title 5, section 1742-C, subsection 3, the system's public improvements budget must be developed with the advice and assistance of the Bureau of General Services and must represent the capital improvement priorities within the system;
[PL 2013, c. 368, Pt. R, §4 (AMD).]

5. Fiscal management. To receive, expend, allocate and transfer funds within the system, as necessary to fulfill the purposes of this chapter, in accordance with the biennial, line-category, operating budget;
[PL 1991, c. 376, §34 (AMD).]

6. Loans and grants. To receive and accept, from any source, loans, aid or contributions of money, property, labor or other things of value to be held, used or applied to carry out the purposes of this chapter, subject to the conditions upon which the loans, grants and contributions may be made, including, but not limited to, loans, grants or gifts from any federal agency or governmental subdivision or the State and its agencies;
[PL 1985, c. 695, §11 (NEW).]

7. Fees and charges. To establish and collect room and board fees and tuition and to set policies relating to other charges, including fees for the reasonable use of the colleges' facilities by others, as determined necessary by the board of trustees for the efficient administration of this chapter, to be credited to a separate fund and used for the purposes of this chapter;
[PL 1991, c. 376, §35 (AMD).]

8. Investments. Except as otherwise provided in this chapter, to invest any funds not needed for immediate use, including any funds held in reserve, in property and securities in which fiduciaries in the State may legally invest funds;
[PL 1985, c. 695, §11 (NEW).]

9. Contracts and agreements. 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 this chapter, except that in any such agreement other than an employment agreement the following provisions against the system are void:

A. Any requirement that the system must waive its governmental immunity or limited liability; [PL 2017, c. 179, §5 (NEW).]

B. Any requirement that the system must carry insurance in addition to or in excess of its existing insurance; [PL 2017, c. 179, §5 (NEW).]

C. Any requirement that the system must defend, indemnify or hold harmless any other party; [PL 2017, c. 179, §5 (NEW).]

D. Any requirement that the system must submit to the law of a state other than this State; [PL 2017, c. 179, §5 (NEW).]

E. Any requirement that the system must waive its insurer's rights of subrogation; [PL 2017, c. 179, §5 (NEW).]

F. Any requirement that the system must pay another party's attorney's fees; and [PL 2017, c. 179, §5 (NEW).]

G. Any requirement that the agreement is subject to an automatic renewal other than month to month; [PL 2017, c. 179, §5 (NEW).]

[PL 2017, c. 288, Pt. C, §2 (AMD); PL 2017, c. 288, Pt. C, §4 (AFF).]

10. Legal affairs. To sue and be sued in its own name. Services of process in any action shall be made by service upon the president of the system, either in hand or by leaving a copy of the process at the Maine Community College System Office;
[PL 1989, c. 878, Pt. I, §5 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

11. Personnel policies. To develop and adopt personnel policies and procedures for the system. The board of trustees, subject to applicable collective bargaining agreements, shall determine the qualifications, duties and compensation of its employees and shall allocate and transfer personnel within the system as necessary to fulfill the purposes of this chapter. The board of trustees shall appoint the president of the system and the presidents of the colleges. The provisions of the Civil Service Law, as defined by Title 5, section 7039, do not apply to the system, except that the same protections for personnel records provided in Title 5, section 7070 to state employees apply to the personnel records of system employees;
[PL 2007, c. 67, §2 (AMD).]

12. Purchasing. To acquire consumable supplies, materials and incidental services, through cash purchase, sole-source purchase orders, bids or contract, as necessary or convenient to fulfill the purposes of this chapter;
[PL 1985, c. 695, §11 (NEW).]

13. Property management. To acquire by purchase, gift, lease or rent any property, lands, buildings, structures, facilities or equipment necessary to fulfill the purposes of this chapter. The board of trustees shall manage, rent, lease, sell and dispose of property, including lands, buildings, structures, equipment and facilities, and license dormitory rooms for occupancy by students. The purchase and installation of faucets, shower heads, toilets and urinals is subject to Title 5, section 1762-A;
[PL 2017, c. 179, §6 (AMD).]

14. Facilities management; construction and renovation. To authorize the construction, maintenance, renovation, reconstruction or other necessary improvements of buildings, structures and

facilities and promote the regular use of facility master planning in order to coordinate efficient long-term facilities planning;
[PL 2017, c. 179, §7 (AMD).]

15. Courses of study and degrees. To offer courses of study, grant diplomas and certificates on completion of courses of study, confer associate degrees based on 2 years of instruction and establish qualifications for admission; to offer short-term and on-site training, to meet the needs of the private and public sectors and economic development and employment training programs; to offer adult education and continuing educational opportunities to meet the needs of nontraditional students and of adults who need training or retraining in response to changes in technology or the needs of the economy; and to encourage the development of innovative delivery methods, course schedules, student support services and prior learning assessments that help expand access to both credit and noncredit programming;
[PL 2017, c. 179, §8 (AMD).]

16. Employment training coordination.
[PL 1991, c. 376, §37 (RP).]

17. Apprenticeship education.

[PL 1997, c. 522, §1 (RP).]

18. Delegation; other powers. To delegate duties and responsibilities as necessary for the efficient operation of this chapter and to do any other acts or things necessary or convenient to carry out the powers expressly granted or reasonably implied in this chapter;
[PL 2001, c. 590, §1 (AMD).]

19. Advisory committees. To appoint or identify advisory committees to advise the board of trustees with respect to career and technical education and training policies and programs, to procedures for modifying the programs of the colleges to meet the needs of the State's economy and the changing job market and to the efficient operation of the colleges and the Maine Community College System Office. These committees may include, but need not be limited to, the Maine Council on Vocational Education, authorized under the United States Carl D. Perkins Vocational Education Act, Section 112, Public Law 98-524, or its successor;
[PL 2017, c. 179, §9 (AMD).]

20. Debt. To borrow funds, issue bonds and negotiate notes and other evidences of indebtedness or obligations of the system for renovation, public improvements, land acquisition and construction purposes to pay for costs as defined in Title 22, section 2053, subsection 3. The board of trustees may issue temporary notes and renewal notes to pay for those costs. Bonds, notes or other evidences of indebtedness or obligations of the system are legal obligations of the system on behalf of the State and are payable solely from the system's revenues and other sources of funds, including funds obtained pursuant to Title 22, section 2053, subsection 4-B, paragraph A. These borrowings by the system do not constitute debts or liabilities of, and are not includable in, any debt obligation of the State. The board of trustees has the discretion to fix the date, maturities, denomination, interest rate, place of payment, form and other details of the bonds or notes of the system. Unless otherwise provided in the vote authorizing their issuance, bonds or notes of the system must be signed by the president of the system and countersigned by the chair of the board of trustees. The aggregate principal amount of outstanding bonds, notes or other evidences of indebtedness of the system may not exceed $35,000,000 at any one time, excluding temporary notes and renewal notes. The bonds may be issued through the Maine Health and Higher Education Facilities Authority. The board of trustees may pledge or assign its revenues, including any funds that have been or may be appropriated to the system, and the proceeds of those revenues and its other property as security toward its bonds, notes, other evidences of indebtedness or other obligations of the system. The proceeds of bonds, notes or other evidences of indebtedness may be invested in accordance with subsection 8. Bonds, notes and other evidences of

indebtedness issued under this subsection are not debts of the State, nor a pledge of the credit of the State, but are payable solely from the funds of the system. Indebtedness incurred and evidences of indebtedness issued under this chapter constitute a proper public purpose, and all income derived is exempt from taxation in the State. The net earnings of the system may not inure to the benefit of any private person, and no borrowing may be effected pursuant to this chapter unless the amount of the borrowing and the project or projects are submitted to the Office of Fiscal and Program Review for review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs at least 60 days before closing on such borrowing for the project or projects is to be initiated; and

[PL 2017, c. 179, §10 (AMD).]

21. Campus security. To support the development of campus security plans and policy, including the assessment of how persons qualified and designated by law enforcement or system policy may exercise the powers of Title 17-A, sections 107 and 108.

[PL 2017, c. 179, §11 (NEW).]

SECTION HISTORY

PL 1985, c. 695, §11 (NEW). PL 1987, c. 402, §A127 (AMD). PL 1987, c. 532, §3 (AMD). PL 1989, c. 443, §§37-39 (AMD). PL 1989, c. 761 (AMD). PL 1989, c. 878, §§I4-6 (AMD). PL 1991, c. 246, §10 (AMD). PL 1991, c. 376, §§33-37 (AMD). PL 1995, c. 96, §1 (AMD). PL 1997, c. 522, §1 (AMD). PL 2001, c. 590, §§1-3 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2005, c. 397, §D3 (REV). PL 2007, c. 67, §§2, 3 (AMD). PL 2011, c. 691, Pt. B, §20 (AMD). PL 2013, c. 368, Pt. R, §4 (AMD). PL 2017, c. 179, §§4-11 (AMD). PL 2017, c. 288, Pt. C, §2 (AMD). PL 2017, c. 288, Pt. C, §4 (AFF).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 132nd Maine Legislature and is current through October 1, 2026. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.