



Janet T. Mills  
GOVERNOR

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
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AUGUSTA, MAINE  
04333-0001

June 23, 2021

The 130th Legislature of the State of Maine  
State House  
Augusta, Maine

Dear Honorable Members of the 130th Legislature:

By the authority conferred by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing L.D. 1253, *An Act To Add a Faculty Member and Nonfaculty Staff Member to the Board of Trustees of the University of Maine System (UMS)*.

LD 1253 is contrary to longstanding UMS Board of Trustees policy that guards against Trustees having real or perceived conflicts of interest in which they benefit financially or otherwise from Board action. This policy is consistent with Title 17, Section 3104, which serves as conflict of interest law for trustees of State offices and public institutions. Additionally, UMS Board of Trustees policy explicitly bans Trustees from being employed by the UMS during their service or for one full year following its conclusion. This prohibition goes beyond just preventing trustees of a public institution from voting on contracts in which they have a direct or indirect pecuniary interest; it prohibits them from serving at all. Furthermore, this policy automatically voids any contracts made while persons with such conflicts serve as trustees. Simply put, it is bad public policy to require active employees to serve on a board that makes decisions that set their salaries and otherwise directly impact them.

Around the country, the vast majority of higher education governing boards do not include current faculty and staff because of the inherent conflict. During the public hearing for LD 1253, West Virginia was highlighted as an example of a state where active employees serve as voting members of the university system board. However, West Virginia University System employees are not part of an employee union, so the board does not participate in collective bargaining negotiations. In Florida, Kentucky and Pennsylvania, faculty and staff members serve as full voting members of the system board, but the Board of Governors of the State University System of Florida, the University of Kentucky Board of Trustees and the Penn State University Board of Trustees do not participate in collective bargaining negotiations. And in Oregon, where faculty and staff members serve on the Board of Trustees of the University of Oregon, the collective bargaining responsibilities belong to the University President, not the Board. Seven additional states have faculty and staff members on their university system boards as non-voting members. If this legislation were to become law, Maine would become the first state in the country with active employees serving as full voting members of a state university system board that serves as the bargaining agent for salary negotiations. This presents a clear conflict of interest that will undermine the trust and confidence of the public in this Board.



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In Maine, no other large public employer is currently required - or allowed - to hold active employees on their Board, including the Maine Community College System, Maine Maritime Academy, or any K-12 school board.

At the same time, I firmly believe the UMS Board of Trustees would benefit from a more informed understanding of higher education and daily operations at the System's campuses, centers, and distance learning platforms. To this end, my administration strongly supports an enhanced role for non-voting faculty and staff members on the Board. I believe their perspective is critical to the work of the Board and I encourage the Board to review its policies for receiving and acting upon input from current faculty and staff to ensure a thorough and inclusive process.

For these reasons, I return LD 1253 unsigned and vetoed and I strongly urge the Legislature to sustain this veto.

Sincerely,



Janet T. Mills  
Governor



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