

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2417

S. P. 848

In Senate, January 23, 1974

Referred to Committee on Education. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Katz of Kennebec, **BY REQUEST.**

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT Transferring Responsibility for Post-Secondary Vocational Education from the Board of Education to the University of Maine and Modifying Membership of the Board of Trustees.

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

Sec. 1. P. & S. L., 1865, c. 532, § 1-B, additional. Chapter 532 of the private and special laws of 1865, as amended by section 1 of chapter 229 of the private and special laws of 1967, is further amended by adding a new section 1-B to read as follows:

Sec. 1-B. Post-secondary education. To develop, maintain and support a cohesive structure of public post-secondary education in the State of Maine and in full recognition of the principle that each post-secondary institution shall have a proper measure of control over its own operations and that its faculty shall enjoy the academic freedoms traditionally accorded institutions of post-secondary education in teaching, research and expression of opinions, a system unifying the University of Maine, Northern Maine Vocational-Technical Institute, Eastern Maine Vocational-Technical Institute, Central Maine Vocational-Technical Institute, Southern Maine Vocational-Technical Institute, Washington County Vocational-Technical Institute, Kennebec Valley Vocational-Technical Institute and Waterville School of Practical Nursing, is established under the name of the University of Maine. Northern Maine Vocational-Technical Institute will be named Northern Maine College of Community and Vocational Education, Eastern Maine Vocational-Technical Institute will be named Eastern Maine College of Community and Vocational Education, Central Maine Vocational-Technical Institute will be

named Central Maine College of Community and Vocational Education, Southern Maine Vocational-Technical Institute will be named Southern Maine College of Community and Vocational Education, Washington County Vocational-Technical Institute will be named Washington County College of Community and Vocational Education and Kennebec Valley Vocational-Technical Institute will be named Kennebec College of Community and Vocational Education.

Sec. 2. P. & S. L., 1865, c. 532, § 4, repealed and replaced. Section 4 of chapter 532 of the private and special laws of 1865, as last repealed and replaced by section 2 of chapter 229 of the private and special laws of 1967, is repealed and the following enacted in place thereof:

Sec. 4. Board of trustees. The board of trustees of the university shall consist of 15 persons. The Commissioner of Educational and Cultural Services shall serve as a voting member ex officio. Fourteen of the members shall be appointed by the Governor, with the advice and consent of the Council, for 7-year terms. In making appointments, the Governor shall ensure that at least 5 appointees are representatives of vocational interests. Initially, 10 members, but no more than 10 members, shall be appointed from among the members currently serving on the Board of Trustees of the University of Maine for terms of years as follows: Two for 7; 2 for 6; 2 for 5; 2 for 4; 2 for 3; 2 for 2; and 2 for one. Subsequent appointments shall be for full 7-year terms. Trustees are eligible for reappointment once only and shall retire upon reaching the age of 70. Any vacancy shall be filled by the Governor, with the advice and consent of the Council, for the unexpired balance of the term. Trustees shall serve without pay, but shall receive their traveling and other expenses incurred in the performance of their official duties. The terms of office of the trustees appointed under this section shall commence 30 days after the effective date of this Act, at which time the terms of all current trustees of the university shall terminate. The board of trustees shall, when practicable, meet from time to time at each of the various campuses of the university.

The board of trustees, on nomination of the chancellor, shall appoint a Vice-Chancellor for Academic Affairs who shall be responsible for the development of the academic mission of the university. The Vice-Chancellor for Academic Affairs shall have authority over the campuses at Orono-Bangor, Portland-Gorham and Farmington. The campus presidents of these institutions shall be responsible to and report to him.

The board of trustees, on nomination of the chancellor, shall appoint a Vice-Chancellor for Community and Vocational Education who shall be responsible for development and direction of community and vocational education. The Vice-Chancellor for Community and Vocational Education shall be responsible for the 2-year colleges of Community and Vocational Education at Presque Isle, Bangor, Augusta, Auburn, South Portland and Calais. The campus presidents of these colleges shall be responsible to and report to him. The Kennebec Valley Vocational-Technical Institute and Waterville School of Practical Nursing shall be maintained and operated by the Augusta College of Community and Vocational Education.

It shall be the duty and responsibility of the Maine Advisory Council for Vocational Education to aid and advise the vice-chancellor on matters relating to vocational education.

The board of trustees, on nomination of the chancellor, shall appoint a Vice-Chancellor for Business and Finance who shall be responsible for centralized staff functions of the university.

Sec. 3. P. & S. L., 1865, c. 532, § 4-B, sub-§ 3, amended. Subsection 3 of section 4-B of chapter 532 of the private and special laws of 1865, as enacted by section 3 of chapter 229 of the private and special laws of 1967, is amended to read as follows:

3. **Head of each campus; duties.** The head of each campus shall be the chief administrative and educational officer thereof and shall be responsible for the day to day operation and development of its academic or vocational program within the limits defined by the board of trustees and the chancellor; and in addition, shall exercise such rights and privileges as are generally recognized in the administering of admissions, curriculum development, extra curricular programs, long range planning within the framework of the overall university plan, and supervision of faculty.

Sec. 4. P. & S. L., 1865, c. 532, § 4-C, repealed and replaced. Section 4-C of chapter 532 of the private and special laws of 1865, as enacted by section 3 of chapter 229 of the private and special laws of 1967, is repealed and the following enacted in place thereof:

Sec. 4-C. **Properties, assets and liabilities.** Thirty days after the effective date of this Act, all of the assets, tangible or intangible, real, personal and mixed, of or used in connection with Northern Maine Vocational-Technical Institute, Eastern Maine Vocational-Technical Institute, Central Maine Vocational-Technical Institute, Southern Maine Vocational-Technical Institute, Washington County Vocational-Technical Institute, Kennebec Valley Vocational-Technical Institute, respectively, except such as are in trust or are subject to limitations purporting to restrict their transferability or assignability, are transferred and assigned to the university. Any gift, devise or other transfer or conveyance to any vocational-technical institute which takes effect after the date of transfer of assets of the vocational-technical institute to the university shall become the property of the university. All moneys appropriated to the vocational institutes and unexpended as of 30 days after the effective date of this Act shall be transferred over to the university. As a condition of continued receipt of public funds, the university shall accept the assets of the vocational-technical institutes and shall assume the care, control and disposition of said property, together with all the duties and legal obligations and management of the former affairs of the vocational institutes, including any obligations in connection with indebtedness for dormitories and dining facilities. Any student fees relating to said vocational institutes presently required to be paid into the General Fund of the State shall continue to be paid into the fund until June 30, 1974.

The Attorney General of Maine is authorized and empowered to execute in the name of the State any documents necessary to effect the above transfers.

The Attorney General is directed to institute any court actions necessary to effectuate the transfer of properties held in trust or subject to any limitations purporting to affect their transferability.

Any property recorded under this Act by the university which has been designated or limited for particular purposes or uses shall be used by the university only for those purposes.

Ownership of any property formerly held by Northern Maine Vocational-Technical Institute, Eastern Maine Vocational-Technical Institute, Central Maine Vocational-Technical Institute, Southern Maine Vocational-Technical Institute, Washington County Vocational-Technical Institute, Kennebec Valley Vocational-Technical Institute, and Waterville School of Practical Nursing, which is removed from educational use by the University of Maine, shall revert to the State.

Sec. 5. P. & S. L., 1865, c. 532, § 4-D, amended. The first sentence of section 4-D of chapter 532 of the private and special laws of 1865, as enacted by section 3 of chapter 229 of the private and special laws of 1967, is amended to read as follows:

All personnel heretofore employed at the state colleges or vocational-technical institutes shall have the option of continuing their membership, if such exists, in the Maine State Retirement System or of becoming members of the retirement system in effect at the University of Maine at the time the election is made.

Sec. 6. P. & S. L., 1865, c. 532, § 4-E, repealed and replaced. Section 4-E of chapter 532 of the private and special laws of 1865, as enacted by section 3 of chapter 229 of the private and special laws of 1967, is repealed and the following enacted in place thereof:

Sec. 4-E. Student tuition. The current proportionate difference in student tuition between the present University of Maine and the present vocational-technical institutes shall be maintained through the college year 1974-75.

Sec. 7. R. S., T. 20, § 1-B, sub-§ 4, repealed. Subsection 4 of section 1-B of Title 20 of the Revised Statutes, as enacted by section 3 of chapter 610 of the public laws of 1971, is repealed.

Sec. 8. R. S., T. 20, § 51, sub-§ 3, ¶ B, amended. Paragraph B of subsection 3 of section 51 of Title 20 of the Revised Statutes, as enacted by section 4 of chapter 610 of the public laws of 1971, is amended to read as follows:

B. It shall be the responsibility of the State Board of Education to exercise the following specific powers and to perform the following duties in accordance with the statutes: Make recommendations to the Legislature for the efficient conduct of the public schools of the State; approve the formation of School Administrative Districts; ~~establish, maintain and operate state technical and vocational institutes and schools of practical nursing~~; act upon applications for additions to and dissolution of School

Administrative Districts; establish requirements for approval and accreditation of elementary and secondary schools; adjust subsidy to an administrative unit when the expenditures for education in such unit show evidence of manipulation to gain an unfair advantage or are adjudged excessive; grant permission for administrative units to enter into agreements for cooperative educational purposes; act upon articles of agreement for creation of an Interstate School District; develop and adopt a plan for the establishment of regional technical and vocational centers; approve standards for school construction; approve projects for state construction aid; approve the formation of community school districts; approve isolated secondary schools; obtain information regarding applications for granting degrees and make a recommendation to the Legislature; recommend funds to the Bureau of the Budget for equalization of educational opportunity; establish a student loan insurance program; serve as state agency for administering federal funds and serve as an appeals board for unclassified personnel.

Sec. 9. R. S., T. 20, § 57, repealed. Section 57 of Title 20 of the Revised Statutes, as amended, is repealed.

Sec. 10. R. S., T. 20, § 2355, repealed. Section 2355 of Title 20 of the Revised Statutes, as amended by section 21 of chapter 610 of the public laws of 1971 and by section 71 of chapter 571 of the public laws of 1973, is repealed.

Sec. 11. R. S., T. 20, § 2356, repealed and replaced. Section 2356 of Title 20 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§ 2356. Powers and duties of board

The board shall have power to accept and expend all funds received by it from the department on appropriation from the General Fund of the State or from such gifts and donations, either from public or private sources as may be offered unconditionally, together with fees as provided.

Sec. 12. R. S., T. 20, § 2357, repealed and replaced. Section 2357 of Title 20 of the Revised Statutes, as repealed and replaced by section 14-B of chapter 440 of the public laws of 1969 and as amended, is repealed and the following enacted in place thereof:

§ 2357. State scholarships, Maine colleges of community and vocational education

The Trustees of the University of Maine shall develop and administer a plan for awarding scholarships to selected students enrolled at each of the Maine colleges of community and vocational education, whose records provide evidence of the possession of such qualifications as are necessary to complete the course and become competent craftsmen in a trade or industrial pursuit, and who have demonstrated ability and willingness to support the expenses of their training, but who may be in need of partial financial assistance to pay the cost of attendance. No scholarship shall exceed \$250 in any one year. Amounts available for such scholarships shall be distributed annually by the

Board of Trustees to the colleges of community and vocational education in the following manner:

1. \$1,500 or 6 full scholarships for college of community and vocational education. \$1,500 or the equivalent of 6 full scholarships to each college of community and vocational education;

2. Allocation of balance. Allocation of the balance of the scholarship fund to the colleges of community and vocational education in the same proportion as the proportion of each college's enrollment bears to the total enrollment of the colleges for the fall semester of the current year.

Awards shall be based on evidence of individual need and worth.

Sec. 13. R. S., T. 20, § 2361, amended. The first sentence of section 2361 of Title 20 of the Revised Statutes, as enacted by chapter 434 of the public laws of 1971, is amended to read as follows:

Any person who has satisfactorily completed a course of instruction at a Maine ~~vocational technical institute~~ college of community and vocational education in the practice of electrical installations, oil burner installations or plumbing shall be entitled to take the examination conducted by any of the respective boards and upon satisfactory completion of a series of teaching units in the electrical or plumbing program, as approved by the respective licensing board, followed by 2,000 hours of on-the-job experience, one year credit may be given for hours worked by students during the summer.

STATEMENT OF FACT

The purpose of this Act is to implement recommendations of Maine Management and Cost Survey Report, Recommendation 1, Public Education, Recommendations 103 and 104, Department of Educational and Cultural Services, and Recommendations 2 and 3, University of Maine, that responsibility for operation of post-secondary vocational-technical institutes be transferred from the State Board of Education and Department of Educational and Cultural Services to the University of Maine. It would modify membership on the Board of Trustees to provide for representation of vocational interests and reorganize the University to consist of 3 campuses (Orono, Portland-Gorham and Farmington) and 8 colleges of community and vocational education (Presque Isle, Machias, Bangor, Auburn, Augusta, South Portland, Fort Kent and Calais).

Governor Kenneth M. Curtis recommends further study of the proposal before legislative action is taken on these far-reaching recommendations affecting governance. He has requested the agencies involved, University of Maine, and State Board of Education, together with representatives of private colleges and proprietary schools to explore various means for the development of a more cohesive and coordinated system of public education and prepare recommendations for consideration of the 107th Legislature.