

MAINE STATE LEGISLATURE

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ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1613

H. P. 1393

House of Representatives, May 14, 1979

Reported by Mr. Birt from the Committee on Education, printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Relating to the Vocational-technical Institutes.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this Act makes significant changes in the laws relating to the vocational-technical institutes; and

Whereas, these changes should be carried out prior to the beginning of the 1979-80 school year in order to ensure a smooth transition; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 20 MRSA c. 303-A is enacted to read:

CHAPTER 303-A

POST-SECONDARY

VOCATIONAL-TECHNICAL INSTITUTES

§ 2261. Intent

It is the intent of the Legislature that the vocational-technical institutes shall:

- 1. Vocational, technical and occupational education. Provide vocational, technical and occupational education for those who demonstrate aptitude and need and who require training designed for service in a trade, industry or commerce;**
- 2. Job skills. Provide each graduate with job skills;**
- 3. General education. Provide the general education necessary to complement the requirements of specific vocational and technical skills;**
- 4. Supplementary programs. Provide supplementary educational programs to upgrade those persons already employed or retrain persons for new employment opportunities; and**
- 5. Special programs. Provide special programs for disadvantaged and handicapped persons to permit them to take maximum advantage of their aptitudes and interests.**

§ 2262. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms shall have the following meanings.

- 1. Commissioner. "Commissioner" shall mean the commissioner of Educational and Cultural Services.**
- 2. Department. "Department" shall mean the Department of Educational and Cultural Services.**
- 3. Institute. "Institute" shall mean a vocational-technical institute as established in section 2263.**

§ 2263. Establishment of institutes; general duties and authority of State Board of Education

- 1. Establishment. The following vocational-technical institutes are established:**
 - A. Central Maine Vocational-Technical Institute in the City of Auburn;**
 - B. Eastern Maine Vocational-Technical Institute in the City of Bangor;**
 - C. Kennebec Valley Vocational-Technical Institute in the City of Waterville;**
 - D. Northern Maine Vocational-Technical Institute in the City of Presque Isle;**
 - E. Southern Maine Vocational-Technical Institute in the City of South Portland; and**
 - F. Washington County Vocational-Technical Institute in the City of Calais.**

2. **General duties and authority.** The State Board of Education shall maintain and operate these institutes, shall have policy-making and planning authority for the institutes and shall have the authority to:

- A. Offer courses of study;
- B. Grant diplomas and certificates on completion of a course of study;
- C. Confer associate degrees based upon 2 years of instruction with equipment and facilities which will safeguard the integrity of the degrees conferred;
- D. Charge tuition and other reasonable fees;
- E. Establish qualifications for admission; and
- F. Accept and expend all funds for post-secondary vocational education received by the department from the General Fund of the State, from gifts and donations either from public or private sources as may be offered unconditionally, or from fees.

§ 2264. **Appointment of directors; salary range for directors; establishment of job titles and salary range; authority to change job title and salary range.**

1. **Appointment of directors.** The commissioner, with the approval of the State Board of Education, shall appoint the directors of the institutes.

2. **Salary range.** The commissioner shall establish the salary range for directors and assistant directors.

3. **Establishment of salary ranges and job titles.** The State Board of Education shall have the sole authority to assign an appropriate job title and salary range to any newly created position in the unclassified service based on the level of job responsibilities at any vocational-technical institute.

4. **Board authority.** The State Board of Education is authorized to change the job title and salary range of any existing position in the unclassified service at a vocational-technical institute if an identifiable change in job responsibilities occurs.

§ 2265. **Recommendation for funding levels; annual certification; original requests; inclusion of maintenance, repair and capital construction budgets.**

1. **Funding level.** The State Board of Education shall certify and present to the Legislature and the Governor, prior to November 15th of the year prior to the First Regular Session of the Legislature, the funding levels which it recommends for the operation of the institutes.

2. **Costs of maintenance, repairs and capital construction.** Notwithstanding any other provision of law, the costs of maintenance, repairs and capital construction at the institutes shall be included in the funding level requests presented by the board and shall be considered by the Legislature as a part of the institutes' budgets.

§ 2266. Contingent account

1. **Establishment.** There is established within the department a nonlapsing contingent account to provide funds to meet any unanticipated request for services at the institutes and any other unexpected need for which sufficient funds have not been appropriated.

2. **Allocation.** Funds from this account shall be allocated by the board to any institute on the basis of demonstrated need.

3. **Annual adjustment.** Total funds in the account shall be adjusted annually to maintain a level not to exceed 2% of the funds appropriated by the Legislature for the institutes during the same year. This annual adjustment may be made in the following ways:

A. The Legislature may appropriate the funds;

B. Notwithstanding the provisions of Title 5, section 1585, the State Board of Education may request the State Budget Officer to transfer to the contingent account any balances at the end of any fiscal year available at the institutes; or

C. Funds may be deposited in the contingent account from a combination of sources identified in paragraphs A and B.

§ 2267. Operation of courses on grade 13 and 14 levels; administration; tuition charges to students enrolled

1. **Courses offered.** Vocational courses on grade 13 and 14 levels may be operated in regional vocational centers or vocational regions when approved by the State Board of Education.

2. **Administration.** Any courses on grade 13 and 14 levels operated in regional vocational centers or vocational regions which are not part of an adult education program shall administered as satellite programs of an institute designated by the State Board of Education.

3. **Tuition.** Tuition charges for any course on grade 13 and 14 levels operated in regional vocational centers or vocational regions shall be charged directly to the students enrolled at rates approved by the State Board of Education.

§ 2268. State scholarships at the vocational-technical institutes

1. **Scholarships.** The State Board of Education shall develop and administer a program of scholarships for any student enrolled at an institute who fulfills the following qualifications:

A. Evidence of the possession of the qualifications necessary to successfully complete the course of study and to become a competent craftsman in a trade or industrial pursuit;

B. A demonstrated ability and willingness to support the expenses of his training; and

C. A demonstrated need of partial financial assistance to pay the cost of attendance at the institute.

2. Limitation. No scholarship shall exceed \$250 in any one year.

3. Allocation of scholarships. Amounts available for these scholarships shall be distributed annually by the board to the institutes in the following way:

A. \$1,500 or the equivalent of 6 full scholarships to each institute;

B. Allocation of the balance of the scholarship fund to each institute in the same proportion as the institute's enrollment is of all the institutes for the fall semester of the current year; and

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

§ 2269. Journeyman's examinations

1. Eligibility. Any person who has completed satisfactorily a course of instruction at a Maine vocational-technical institute in the practice of electrical installations, oil burner installations or plumbing shall be entitled to take a journeyman's examination conducted by any of the following boards:

A. Electricians' Examining Board;

B. Oil Burner Men's Licensing Board; and

C. Plumbers' Examining Board.

2. Application for oil burner men's license. Any application for a journeyman oil burner men's license shall be accompanied by a certificate of course completion of an approved course of at least 1,000 hours of instruction related to the respective field at a Maine vocational-technical institute.

3. Eligibility for boiler operator or stationary engineering examination. Any person who has satisfactorily completed a 2-year course of instruction in power or stationary engineering at a Maine vocational-technical institute shall be entitled to take either the boiler operator's examination or the 4th class engineers examination conducted by the Board of Boiler Rules.

§ 2270. Policemen at vocational-technical institutes

1. Appointment. The directors of the institutes may appoint persons to act as policemen who shall, within the limits of the property owned by or under the control of the institutes, possess all of the powers of policemen in criminal cases.

2. Guidelines. The State Board of Education is authorized to establish guidelines within which each institute director may make rules and regulations for the control, movement and parking of vehicles within the limits of the property owned by or under the control of the institute.

3. **Rules and regulations.** Any rules and regulations shall be adopted in accordance with section 21 and shall have the same force and effect as municipal ordinances. District Courts are authorized to impose fines, not to exceed \$10, for each violation.

4. **Evidence and waiver.** The State Board of Education may adopt the provisions of Title 30, section 2151, subsection 3, paragraph A, relating to prima facie evidence and the establishment of a waiver of court action by payment of specified fees.

Sec. 2. 20 MRSA § 2355, as amended by PL 1973, c. 571, § 71, is repealed.

Sec. 3. 20 MRSA § 2356, as last amended by PL 1975, c. 513, § 2, is repealed.

Sec. 4. 20 MRSA § 2356-E, as amended by PL 1977, c. 202, § 5, is repealed.

Sec. 5. 20 MRSA § 2357, as last amended by PL 1973, c. 571, § 71, is repealed.

Sec. 6. 20 MRSA § 2361, as amended by PL 1977, c. 356, § 1, is repealed.

Sec. 7. 20 MRSA § 2362, as enacted by PL 1973, c. 300, is repealed.

Sec. 8. 26 MRSA § 1022, sub-§ 1-C, last sentence, as enacted by PL 1977, c. 581, § 2, is amended to read:

The State Board of Education shall may utilize the Office of State Employee Relations for the purposes of this chapter.

Sec. 9. **Appropriation.** The following funds shall be appropriated from the General Fund to carry out the purposes of this Act.

	1979-80	1980-81
EDUCATIONAL AND CULTURAL SERVICES,		
DEPARTMENT OF		
Bureau of Vocational Education		
Positions	21	21
Personal Services	\$59,288.00	\$59,288.00

These funds are intended to provide for the net costs of creating a position at a salary level of one step below the level of associate commissioner, terminating the present position of coordinator of the institutes, the cost of one new position to coordinate federal grants for vocation education and the costs of moving 21 persons employed at Kennebec Valley Vocational-Technical Institute from the Waterville salary schedule to the state salary schedule.

Emergency clause. In view of the emergency cited in the preamble this Act shall take effect July 1, 1979.

STATEMENT OF FACT

This new draft includes the following provisions.

1. The missions of the vocational-technical institutes are established.
2. Six vocational-technical institutes are established in the statutes along with the general authority of the State Board of Education for their operation.
3. The State Board of Education is directed to present recommendations for funding levels for the vocational-technical institutes to the Legislature each 2 years.
4. The funds for maintenance, repair and capital construction at the vocational-technical institutes are removed from the Bureau of Public Improvements budget and placed in the vocational-technical institute budget.
5. A nonlapsing contingent account, not to exceed 2% of the annual state appropriation for the vocational-technical institutes, is established for the purpose of meeting emergency needs at the vocational-technical institutes.
6. The vocational-technical institutes are given authority for administering certain grade 13 and 14 level programs at vocational centers and vocational regions.
7. The State Board of Education is authorized to use an agent other than the Office of State Employee Relations for purposes of collective bargaining with the vocational-technical institute instructors.
8. Funds are provided for bringing Kennebec Valley Vocational-technical Institute under the authority of the State Board of Education. Kennebec Valley Vocational-Technical Institute is presently administered as part of the Waterville school system and funded by the State. This bill makes Kennebec Valley Vocational-Technical Institute a state institution and transfers these 21 positions to the state salary schedule so that these personnel receive compensation equivalent to the personnel at the other institutes.
9. Funds are provided for one additional position responsible for coordinating federal grant applications.
10. Funds are provided for reclassifying the present position of coordinator of the vocational-technical institute to one step below that of associate commissioner.
11. Several existing statutory provisions are repealed and reenacted as part of a single chapter relating to the vocational-technical institutes.
12. The new draft is made an emergency measure;
13. Language creating a Bureau of Post-Secondary Vocational Education and an associate commissioner for post-secondary vocational education is deleted.

14. The State Board of Education is authorized to establish the salary range for vocational-technical institute directors and assistant directors.

15. The State Board of Education is designated as the sole authority for assigning job titles and salary ranges to any new unclassified positions at the vocational-technical institute.

16. The State Board of Education is authorized to change the job title and salary range of any unclassified position at a vocational-technical institute if the job responsibilities of the position change.