

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 162, L.D. 196)
2 (New Title)
3 FIRST REGULAR SESSION
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE
6

7 Legislative Document

No. 1639

9 H.P. 1132

House of Representatives, June 3, 1985

10 Reported by Representative Gwadosky from the Committee on State
11 Government and printed under Joint Rule 2. Original bill presented by
12 Representative Crowley of Stockton Springs. Cosponsored by Representative
Jacques of Waterville, Senator Perkins of Hancock and Senator Andrews of
Cumberland.

EDWIN H. PERT, Clerk

13
14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-FIVE
18

19 AN ACT to Establish the Maine
20 Vocational-technical Institutes
21 Administration.
22

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

25 Sec. 1. 2 MRSA §6, sub-§3, as repealed and re-
26 placed by PL 1981, c. 705, Pt. L, §§1 to 3, is
27 amended to read:

28 3. Range 89. The salaries of the following
29 state officials and employees shall be within salary
30 range 89:

31 State Director of Public Improvements;

32 State Budget Officer;

33 State Controller;

1 Director of the Bureau of Forestry;
2 Chief of the State Police;
3 Director, State Planning Office;
4 Director, Energy Resources Office;
5 Public Advocate; and
6 Commissioner of Defense and Veterans' Services;
7 and
8 Executive Director, Maine Vocational-technical
9 Institutes Administration.

10 Sec. 2. 3 MRSA §507, sub-§7, ¶B, as repealed and
11 replaced by PL 1983, c. 819, Pt. A, §2, is amended to
12 read:

13 B. The evaluations and analyses of the justifi-
14 cation reports for the programs of the following
15 Group D-2 departments shall be reviewed by the
16 Legislature no later than June 30, 1987:

17 (1) Board of Trustees of the University of
18 Maine; and

19 (2) Board of Trustees of the Maine Maritime
20 Academy; and

21 (3) Maine Vocational-technical Institutes
22 Administration.

23 Sec. 3. 3 MRSA §507, sub-§8, ¶B, as repealed and
24 replaced by PL 1983, c. 819, Pt. A, §3, is amended to
25 read:

26 B. Unless continued or modified by law, the fol-
27 lowing Group D-2 independent agencies shall ter-
28minate, not including the grace period, no later
29 than June 30, 1987:

30 (1) Advisory Committee on Maine Public
31 Broadcasting;

32 (2) State Government Internship Program Ad-
33visory Committee;

- 1 (3) Real Estate Commission;
- 2 (4) Maine Athletic Commission;
- 3 (5) Electricians' Examining Board;
- 4 (6) State Claims Board;
- 5 (7) Board of Examiners on Speech Pathology
- 6 and Audiology;
- 7 (8) State Board of Social Worker Registra-
- 8 tion;
- 9 (9) Board of Accountancy;
- 10 (10) Arborist Examining Board;
- 11 (11) Maine State Board for Registration of
- 12 Architects and Landscape Architects;
- 13 (12) Board of Examiners for the Examination
- 14 of Applicants for Admission to the Bar;
- 15 (13) State Board of Barbers;
- 16 (14) State Board of Cosmetology;
- 17 (15) Manufactured Housing Board;
- 18 (16) State Running Horse Racing Commission;
- 19 (17) Board of Registration of Substance
- 20 Abuse Counselors;
- 21 (18) State Board of Registration for Pro-
- 22 fessional Foresters;
- 23 (19) State Board of Certification for
- 24 Geologists and Soil Scientists;
- 25 (20) Board of Examiners in Physical
- 26 Therapy;
- 27 (21) Maine Criminal Justice Planning and
- 28 Assistance Agency;

1 ~~(22)~~ Maine Vocational Development Commis-
2 sion;

3 (23) Post-secondary Education Commission of
4 Maine; and

5 (24) Maine Occupational Information Coordi-
6 nating Committee.

7 Sec. 4. 5 MRSA §937, sub-§1, ¶E, as enacted by
8 PL 1983, c. 729, §4, is repealed.

9 Sec. 5. 5 MRSA §1507, sub-§4-A, as enacted by PL
10 1979, c. 602, §2, is amended to read:

11 4-A. Vocational-technical institutes. The Gover-
12 nor may allocate funds from such account in amounts
13 not to exceed in total the sum of \$100,000 in any
14 fiscal year to provide funds for any unusual and un-
15 foreseen needs as may arise in the operation of the
16 vocational-technical institutes. Allocations may be
17 made from this fund by the Governor only upon the
18 request of the State Board of Education
19 Trustees of the Maine Vocational-technical Institutes
20 Administration and after consultation with the State
21 Budget Officer.

22 Sec. 6. 5 MRSA §12004, sub-§8, ¶A, sub-¶(4-A) is
23 enacted to read:

24 (4-A) Education Board of Trustees- Expenses 20-A MRSA
25 Maine Vocational- only c. 429
26 technical Insti-
27 tutes Administration

28 Sec. 7. 20-A MRSA §405, sub-§3, ¶C, as enacted
29 by PL 1981, c. 693, §§5 and 8, is repealed.

30 Sec. 8. 20-A MRSA c. 403, as amended, is re-
31 pealed.

32 Sec. 9. 20-A MRSA c. 429 is enacted to read:

33 CHAPTER 429

34 MAINE VOCATIONAL-TECHNICAL

1 E. Responsiveness of vocational-technical educa-
2 tion not only to the economic needs of the State,
3 but also to regional and local needs;

4 F. Expeditious adaption to changing requirements
5 and needs, not only by the vocational-technical
6 institutes but also by the labor force, through
7 training and education programs offered at the
8 institutes and at other convenient and accessible
9 locations; and

10 G. Coordination of training and education pro-
11 grams and personnel with the several institutions
12 of higher learning in the State.

13 2. Maine Vocational-technical Institutes Admin-
14 istration; goals. In addition to the objectives and
15 goals as established in this section, the administra-
16 tion shall:

17 A. Cooperate closely with the private sector to
18 provide both short-term training to meet private
19 sector needs and longer-term education and train-
20 ing necessary for various occupations;

21 B. Cooperate closely with the private sector,
22 other institutions of higher education and eco-
23 nomical development agencies of the State to under-
24 take long-range planning and provide for coordi-
25 nated education and training programs throughout
26 the State;

27 C. Coordinate its activities with the Department
28 of Educational and Cultural Services, Division of
29 Adult and Continuing Education;

30 D. Offer courses and curricula that provide more
31 than basic skills and teach students not only how
32 to think but also to understand the basis of is-
33 ssues and problems;

34 E. Provide each graduate with job skills and an
35 understanding of how to adapt these skills to
36 changing technology and a changing economy;

37 F. Provide the general education necessary to
38 complement the requirements of specific vocation-
39 al and technical skills;

1 G. Provide supplementary education programs to
2 upgrade those persons already employed or retrain
3 persons for new employment opportunities;

4 H. Provide special programs for disadvantaged
5 and handicapped persons to permit them to take
6 maximum advantage of their aptitudes and inter-
7 ests; and

8 I. Develop programs with the goal of enabling
9 recipients of Aid to Families with Dependent
10 Children to achieve education and skill levels
11 that will allow them to compete for employment
12 which can eliminate their dependency on public
13 assistance.

14 §12552. Definitions

15 As used in this chapter, unless the context oth-
16 erwise indicates, the following terms have the fol-
17 lowing meanings.

18 1. Administration. "Administration" means the
19 Maine Vocational-technical Institutes Administration.

20 2. Board. "Board" means the board of trustees of
21 the administration.

22 3. Director. "Director" means the director of a
23 vocational-technical institute as established in sec-
24 tion 12561.

25 4. Executive director. "Executive director"
26 means the Executive Director of the Maine
27 Vocational-technical Institutes Administration.

28 5. Institute. "Institute" means a vocational-
29 technical institute as established in section 12561.

30 §12553. Maine Vocational-technical Institutes Admin-
31 istration; established

32 There is established the Maine Vocational-techni-
33 cal Institutes Administration which shall be a body
34 corporate and politic and a public instrumentality of
35 the State, and the exercise of the powers conferred
36 by this chapter shall be deemed and held to be the

1 performance of essential governmental functions. The
2 administration shall consist of the board of trust-
3 ees, the office of the executive director and the
4 vocational-technical institutes.

5 1. Representation. The administration shall be
6 represented by the executive director.

7 §12554. Board of trustees

8 The board of trustees, established pursuant to
9 Title 5, chapter 379, shall be the policy-making au-
10 thority of the administration.

11 1. Membership. The board shall consist of 9 vot-
12 ing members and 3 ex officio nonvoting members ap-
13 pointed by the Governor, as follows:

14 A. Three from the field of business and indus-
15 try;

16 B. One from the field of labor;

17 C. Two from the State Board of Education;

18 D. One from the Board of Trustees of the Univer-
19 sity of Maine;

20 E. Two persons from the general public who have
21 demonstrated great interest in vocational educa-
22 tion;

23 F. The Commissioner of Educational and Cultural
24 Services who shall serve as an ex officio, non-
25 voting member;

26 G. The Director of the State Development Office
27 who shall serve as an ex officio, nonvoting mem-
28 ber; and

29 H. The Executive Director of the Maine
30 Vocational-technical Institutes Administration
31 who shall serve as an ex officio, nonvoting mem-
32 ber.

33 2. Appointment; terms. The voting members of the
34 board of trustees shall be appointed by the Governor

1 to 4-year terms of office, subject to review by the
2 joint standing committee of the Legislature having
3 jurisdiction over education and to confirmation by
4 the Legislature. Of the members initially appointed
5 to the board, 2 shall be appointed for one year, 3
6 shall be appointed for 2 years, 2 shall be appointed
7 for 3 years and 2 shall be appointed for 4 years. No
8 classified or unclassified employee of the State or
9 person who holds elected state office may serve on
10 the board of trustees. Vacancies on the board of
11 trustees shall be filled for the unexpired term only.
12 A member shall serve until a successor has been ap-
13 pointed and qualified. The Governor may remove any
14 member for cause.

15 3. Compensation. Members shall be compensated
16 according to Title 5, chapter 379.

17 4. Chairman. The Governor shall appoint the
18 chairman annually. A chairman shall be eligible for
19 reappointment.

20 5. Meetings. The board shall meet at least once
21 a month and at the call of the chairman or at the re-
22 quest of a majority of the members of the board.

23 6. Quorum. A quorum shall consist of 5 voting
24 members and the board shall not conduct any official
25 business without a quorum present and voting.

26 §12555. Board of trustees; powers and duties

27 The board of trustees shall have the following
28 powers and duties:

29 1. Policy. Develop and adopt policies for the
30 operation of the administration and the
31 vocational-technical institutes;

32 2. Administrative responsibility. Oversee the
33 administration of the Maine Vocational-technical In-
34 stitutes Administration, including the
35 vocational-technical institutes;

36 3. Adopt a seal. Adopt an official seal and al-
37 ter it at pleasure;

1 4. Sue and be sued; services of process. Sue and
2 be sued in its own name and plead and be impleaded.

3 A. Services of process in any action shall be
4 made by service upon the executive director of
5 the administration, either in hand or by leaving
6 a copy of the process at the office of the execu-
7 tive director and by sending a copy to the Attor-
8 ney General;

9 5. Bylaws. Adopt bylaws for the regulation of
10 its affairs and the conduct of its business;

11 6. Adopt and approve personnel policies. Adopt
12 and approve personnel policies and procedures for the
13 administration, including the vocational-technical
14 institutes. The board shall determine the qualifica-
15 tions, duties and compensation of its employees, con-
16 sistent with any collective bargaining agreements;

17 7. Prepare and adopt a budget. Prepare and adopt
18 a budget to include the office of the executive di-
19 rector, the board and vocational-technical institutes
20 for submission to the Governor and Legislature. The
21 budget may contain provisions for construction,
22 renovation and reconstruction projects;

23 8. Enter into contracts and agreements. Enter
24 into any contracts, leases and agreements and all
25 other instruments and arrangements that are neces-
26 sary, incidental or convenient to the performance of
27 its duties and the execution of its powers under this
28 chapter;

29 9. Acquire property by purchase, lease or rent.
30 Acquire by purchase, lease or rent any lands, build-
31 ings, structures, facilities or equipment to further
32 the purposes of this chapter;

33 10. Sell and dispose of property. Sell and dis-
34 pose of property, including lands, buildings, struc-
35 tures, equipment and facilities. Any revenues derived
36 from the sale of property shall be placed in a re-
37 volving fund and used for the purposes set forth in
38 section 12551;

1 11. Undertake construction and renovation. Appro-
2 ve the construction, renovation and reconstruction
3 of buildings, structures, facilities and other im-
4 provements within the constraints of the budget of
5 the administration;

6 12. Receive and accept loans, aid or contribu-
7 tions. Receive and accept loans, aid or contributions
8 from any source of money, property, labor or other
9 things of value to be held, used and applied to carry
10 out the purposes of this chapter, subject to the con-
11 ditions upon which the loans, grants and contribu-
12 tions may be made, including, but not limited to
13 loans, gifts or grants from any federal agency, gov-
14 ernmental subdivision or the State and its agencies
15 for any purpose consistent with this chapter;

16 13. Approval of programs and policies. Approve
17 or disapprove programs and policies recommended by
18 the executive director and the directors of the in-
19 stitutes;

20 14. Establish and collect fees and charges. Es-
21 tablish and collect fees, tuition and other charges
22 as necessary for the efficient implementation of this
23 chapter to be deposited in a revolving account. Each
24 vocational-technical institute shall be credited for
25 the amount of tuition and other revenues that each
26 institution generates for the account;

27 15. Establish rules. Establish rules in a manner
28 consistent with the Maine Administrative Procedure
29 Act, Title 5, chapter 375, as the board deems neces-
30 sary or convenient to carry out the purposes of this
31 chapter;

32 16. Establish and oversee the operation of the
33 vocational-technical institutes. Establish and over-
34 see the operation of the vocational-technical insti-
35 tutes to promote specialized training for persons who
36 give evidence of special aptitude or need and who de-
37 sire specialized training designed specifically to
38 train for service in trade, industry or commerce. The
39 training and education, as authorized by this section
40 shall be directed toward the goals, objectives and
41 purpose set forth in section 12551.

1 A. The board shall provide for the offering of
2 short-term training to meet the needs of the pri-
3 vate sector and for longer-term training and edu-
4 cation.

5 B. The board shall also provide for continuing
6 education courses by which persons may update
7 their skills or change their skills as technology
8 and the State's economy change;

9 17. Offer courses of study and degrees. Offer
10 courses of study; grant diplomas and certificates on
11 completion of a course of study; confer associate de-
12 grees based on 2 years of instruction; and establish
13 qualifications for admission;

14 18. Approve the executive director's appoint-
15 ments of the directors of the vocational-technical
16 institutes. Approve the executive director's appoint-
17 ments of the directors of the vocational-technical
18 institutes who shall serve at the pleasure of the ex-
19 ecutive director;

20 19. Delegate duties and responsibilities. Dele-
21 gate duties and responsibilities as the board deems
22 necessary for the efficient operation of this chap-
23 ter;

24 20. Expend, allocate and transfer funds. Expend
25 funds as necessary to fulfill this chapter and allo-
26 cate and transfer funds within the system under the
27 administration of the board and the executive direc-
28 tor, as the board deems necessary;

29 21. Allocate and transfer personnel and equip-
30 ment. Allocate and transfer personnel, consistent
31 with collective bargaining agreements and equipment
32 within the system under the administration of the
33 board and executive director, as the board deems nec-
34 essary;

35 22. Invest funds. Except as otherwise provided
36 in this chapter, invest any funds not needed for im-
37 mediate use, including any funds held in reserve, in
38 property or securities in which fiduciaries in the
39 State may legally invest funds; and

1 23. Other powers. Do any acts and things neces-
2 sary or convenient to carry out the powers expressly
3 granted or reasonably implied in this chapter.

4 §12556. Advisory council to board of trustees

5 1. Advisory matters. The federally funded and
6 mandated Maine Council on Vocational Education, with-
7 in the constraints of any federal law affecting the
8 powers, duties and responsibilities of the council,
9 shall serve as an advisory board to the board of
10 trustees with respect to:

11 A. Vocational-technical education and training
12 policies and programs;

13 B. Procedures to make the vocational technical
14 institutes responsive to the needs of the State's
15 economy and changes in the job market; and

16 C. The efficient operation of the institutes and
17 the office of the executive director.

18 §12557. Appointment of the executive director

19 The Governor shall appoint the executive director
20 of the Maine Vocational-technical Institutes Adminis-
21 tration who shall be the chief executive officer of
22 the administration, subject to review by the joint
23 standing committee of the Legislature having juris-
24 isdiction over education and confirmation by the Legis-
25 lature. The executive director shall be qualified by
26 education and experience and shall serve a term co-
27 terminous with the term of the Governor. The salary
28 of the executive director shall be that established
29 in Title 2, section 6, subsection 3.

30 §12558. Duties and responsibilities of the executive
31 director

32 The executive director shall implement the poli-
33 cies of the board and be responsible for the day-
34 to-day operation of the Maine Vocational-technical
35 Institutes Administration. The executive director
36 shall have the following powers and duties:

1 1. Investigate complaints. To investigate com-
2 plaints and problems relating to the administration
3 of the institutes and inform the board of any activi-
4 ties necessary to resolve any problems;

5 2. Undertake research and issue reports. To un-
6 dertake research and issue reports to the board, the
7 Governor and the Legislature as directed by the
8 board;

9 3. Assist in the preparation of the budget. To
10 assist in the preparation of a budget for the admin-
11 istration and the institutes to be approved by the
12 board prior to submission to the Governor;

13 4. Oversee the staff of the Maine
14 Vocational-technical Institutes Administration and
15 the administration of the institutes. To oversee the
16 staff of the Maine Vocational-technical Institutes
17 Administration and the administration of the insti-
18 tutes;

19 5. Undertake any and all duties delegated to the
20 executive director by the board. To undertake any and
21 all duties delegated to the executive director by the
22 board;

23 6. Appoint staff to the office of the executive
24 director. To appoint staff to the office of the exec-
25 utive director;

26 7. Approve and appoint other personnel. To ap-
27 point directors of the institutes, subject to approv-
28 al by the board and to approve appointments made by
29 the directors of the institutes as provided in sec-
30 tion 12560;

31 8. Promote cooperation and communication. To
32 promote cooperation and communication with the De-
33 partment of Educational and Cultural Services and be-
34 tween the administration and the University of Maine
35 system;

36 9. Undertake long-range planning. To undertake
37 long-range planning to include construction,
38 renovation and reconstruction projects and report his
39 findings and recommendations to the board;

1 10. Evaluate the directors and other personnel.
2 To evaluate the performance of the directors of the
3 institutes and any other personnel not included in
4 collective bargaining agreements and recommend con-
5 tinuation or discontinuation of these personnel to
6 the board;

7 11. Review distribution of federal money. To re-
8 view the plan of the State Board of Education for the
9 distribution or allocation of federal money for voca-
10 tional education in the State under the Carl Perkins
11 Act and report his finding to the board and the Leg-
12 islature;

13 12. Promote cooperation among the institutes. To
14 promote cooperation among the institutes and prepare
15 plans for board approval with respect to the coordi-
16 nation of programs, activities and personnel among
17 the institutes;

18 13. Provide direction to the institutes. Develop
19 policies, procedures, goals and objectives to be ap-
20 proved by the board with respect to the operation of
21 the institutes. The executive director shall meet
22 regularly with the directors of the institutes to de-
23 velop these policies and goals and to assist the di-
24 rectors in their duties;

25 14. Work with state agencies. Work closely with
26 other state agencies that have an impact upon voca-
27 tional education to promote consistent and coordi-
28 nated policies, procedures and programs;

29 15. Implement the mission and purpose of this
30 chapter. Implement the mission and purpose set forth
31 in section 12551;

32 16. Work closely with the private sector. Work
33 closely with the private sector in order to insure
34 that the vocational-technical institutes respond ex-
35 pediently to the needs of the private sector and
36 the State's economy, particularly with respect to
37 changing technology, industries and job needs;

38 17. Delegate responsibility. Delegate responsi-
39 bilities and duties as necessary to administer this
40 chapter; and

1 18. Accounting system and procedures. To provide
2 for an accounting system and procedures that reflect
3 for each vocational-technical institute all appropriations,
4 allocations, income and revenues, by source,
5 and the expenditures of each institute.

6 §12559. Personnel

7 Employees of the Maine Vocational-technical In-
8 stitutes Administration shall not be subject to Title
9 5, chapters 57 and 71. Employees of the administra-
10 tion shall be subject to section 12555, subsection 6
11 and section 12558.

12 §12560. Directors of institutes

13 The board, following consideration of the recom-
14 mendations of the executive director, shall approve
15 the appointment of directors of the vocational-tech-
16 anical institutes. The directors shall be qualified by
17 education and experience.

18 1. Administration of the institutes. The direc-
19 tors shall be responsible for the administration of
20 the institutes under the direction of the executive
21 director. The directors shall cooperate to provide
22 vocational education and training that best meets the
23 needs of the students, the private sector and the
24 changing economy of the State. The directors shall
25 administer the vocational-technical institutes con-
26 sistent with the purpose and mission set forth in
27 section 12551.

28 2. Appointment of deans. The director of each
29 vocational-technical institute may appoint a dean and
30 other personnel with the approval of the executive
31 director.

32 3. Make recommendations. The director of each
33 institute may make recommendations to the executive
34 director with respect to the administration of the
35 institute, courses of training and curricula, coordi-
36 nation of programs with other institutes and with
37 other institutions of higher learning and any other
38 matter requested by the executive director.

1 4. Evaluate personnel at the institute. The di-
2 rector of each institute shall make recommendations
3 as requested by the board or the executive director
4 concerning policies relating to the hiring, firing or
5 granting of any merit increases of instructional per-
6 sonnel and make specific recommendations as requested
7 about individual instructors, consistent with any
8 collective bargaining agreements.

9 5. Appointment of police officers. The directors
10 may appoint persons to act as police officers who,
11 while within the limits of the property owned by or
12 under the control of the institutes, shall possess
13 all the powers of police officers in criminal cases.

14 A. The board may establish guidelines by which
15 each director may make rules for the control,
16 movement and parking of vehicles within the lim-
17 its of the property owned by or under the control
18 of the institute. A director's rule shall be
19 adopted or amended in accordance with subsection
20 3. It shall have the same force and effect as a
21 municipal ordinance. District Courts may impose
22 finer, not to exceed \$10, for each violation of
23 these rules.

24 B. The board may adopt the provisions of Title
25 30, section 2151, subsection 3, paragraph A, re-
26 lating to prima facie evidence and the establish-
27 ment of a waiver of court action by payment of
28 specified fees.

29 6. Advisory committees. The director may also
30 appoint advisory committees to advise the director of
31 the institute on the development and operation of ac-
32 ademic programs at the vocational-technical insti-
33 tute.

34 §12561. Name and program of vocational-technical in-
35 stitutes

36 The program of the vocational-technical insti-
37 tutes shall be designed to educate and prepare quali-
38 fied high school graduates, or the equivalent, in ac-
39 cordance with the purpose set forth in section 12551.
40 The names of the vocational-technical institutes
41 shall be:

1 1. Central Maine Vocational-Technical Institute.
2 Central Maine Vocational-Technical Institute in City
3 of Auburn;

4 2. Eastern Maine Vocational-Technical Institute.
5 Eastern Maine Vocational-Technical Institute in the
6 City of Bangor;

7 3. Kennebec Valley Vocational-Technical Insti-
8 tute. Kennebec Valley Vocational-Technical Institute
9 in the Town of Fairfield;

10 4. Northern Maine Vocational-Technical Insti-
11 tute. Northern Maine Vocational-Technical Institute
12 in the City of Presque Isle;

13 5. Southern Maine Vocational-Technical Insti-
14 tute. Southern Maine Vocational-Technical Institute
15 in the City of South Portland; and

16 6. Washington County Vocational-Technical Insti-
17 tute. Washington County Vocational-Technical Insti-
18 tute in the City of Calais.

19 §12562. Accreditation

20 The vocational-technical institutes may seek ac-
21 creditation and maintain membership in the regional
22 accrediting association, satisfy the requirements
23 necessary to achieve and maintain regional accredita-
24 tion as vocational-technical institutes and meet the
25 requirements necessary for federal aid. Each program
26 of study offered shall meet all of the requirements
27 for professional accreditation or licensing of the
28 particular speciality.

29 §12563. State scholarships at the vocational-tech-
30 nical institutes

31 1. Scholarships. The board shall develop and ad-
32 minister a program of scholarships for students en-
33 rolled at an institute. A student selected to receive
34 a scholarship shall fulfill the following qualifica-
35 tions:

36 A. Show evidence of the qualifications necessary
37 to successfully complete the course of study and

1 to become a competent craftsman in a trade or in-
2 dustrial pursuit;

3 B. Show demonstrated ability and willingness to
4 support the expenses of training; and

5 C. Show demonstrated need of partial financial
6 assistance to pay the cost of attendance at the
7 institute.

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

10 3. National Guard Scholarship Program. Members
11 of the Maine National Guard with over 10 years' con-
12 tinuous service may be awarded scholarships at
13 vocational-technical institutes not to exceed 3 cred-
14 it hours or the equivalent each semester. The guard
15 shall select those who will receive scholarships from
16 among those members eligible for admission to a
17 vocational-technical institute. The program shall be
18 administered by the board.

19 §12564. Loan fund revolving accounts

20 The board may establish and administer such loan
21 fund revolving accounts as may be approved by the
22 Governor to completely comply with all federal regu-
23 lations and to effectively and efficiently operate
24 the loan programs within vocational-technical insti-
25 tutes. The board shall adopt rules pursuant to Title
26 5, chapter 375, for the giving of loans to students
27 who are in need of financial aid at the
28 vocational-technical institutes, the repayment of the
29 loans or other requirements relative to the loans.
30 Each loan fund revolving account authorized and the
31 specific funds associated with it shall be kept in a
32 separate special account by the Treasurer of State
33 and any repayment of loans made from one of these
34 separate special accounts shall be credited to that
35 separate special account for continued use as a loan
36 fund.

37 §12565. Instructional Projects Revolving Fund

38 The administration shall administer an Instruc-
39 tional Projects Revolving Fund to aid instruction at

1 state vocational-technical institutes. The fund shall
2 be used to pay necessary costs of projects which are
3 carried out as part of the instructional program. No
4 project may be undertaken unless the fund contains
5 enough money to cover the proposed budget. All money
6 generated through operation of any project shall be
7 put into the fund, shall be continually appropriated
8 for use in another instructional project and shall
9 not lapse, except that the total money in the funds
10 shall not exceed \$200,000.

11 §12566. Journeyman's examinations

12 An individual may take a journeyman's examination
13 conducted by the following boards in accordance with
14 the following requirements.

15 1. Electricians' Examining Board. The individu-
16 al:

17 A. Who has completed satisfactorily a course of
18 instruction certified by the Electricians' Exam-
19 ining Board at a Maine vocational-technical in-
20 stitute may take the journeyman's examination and
21 after passage of the examination and after work-
22 ing in the field of electrical installation for
23 4,000 hours under the supervision of a master
24 electrician or the equivalent, shall receive a
25 journeyman's license. The board shall adopt a
26 written criteria for certification of a course of
27 instruction; or

28 B. Who is enrolled in a course of instruction at
29 a Maine vocational-technical institute on January
30 1, 1982, is entitled to take a journeyman's exam-
31 ination. Upon the successful completion of that
32 course of instruction and after passage of the
33 examination, the student shall receive a
34 journeyman's license.

35 2. Oil and Solid Fuel Board. The individual has
36 completed an approved course of at least 1,000 hours
37 of instruction related to the respective field at a
38 Maine vocational-technical institute, a post-sec-
39 ondary satellite program at a vocational region or
40 vocational center or an equivalent training approved
41 by the Oil and Solid Fuel Board.

1 3. Plumbers' Examining Board. The individual:

2 A. Who has satisfactorily completed one academic
3 year of instruction in plumbing at a Maine
4 vocational-technical institute may take the
5 journeyman's examination and after passage of
6 the examination shall receive a journeyman-in-
7 training license. After a minimum of 2,000 hours
8 of work in the field of plumbing installation as
9 a journeyman-in-training under the supervision of
10 a master plumber, that person shall receive a
11 journeyman's license, provided that the work ex-
12 perience is obtained within 4 years of the date
13 upon which the individual was issued a
14 journeyman-in-training license; or

15 B. Who is enrolled in a course of instruction in
16 plumbing at a Maine vocational-technical insti-
17 tute on July 1, 1983, shall receive a
18 journeyman's license upon successful completion
19 of that course of instruction and passage of the
20 journeyman's examination.

21 §12567. Annual report

22 The board shall prepare an annual report to be
23 submitted to the joint standing committees of the
24 Legislature having jurisdiction over education and
25 over appropriations and financial affairs by January
26 1st of each year. This report shall include:

27 A. Line-item budget expenditures for the last
28 complete fiscal year and the projected expendi-
29 tures for the fiscal year in which the report is
30 submitted;

31 B. The number of applications for enrollment in
32 the current academic year compared to current
33 student enrollments at each institute and
34 enrollments for the previous 2 years;

35 C. Current student enrollments by type of pro-
36 gram offered at each institute;

37 D. A description of activities undertaken to co-
38 ordinate vocational-technical training and educa-
39 tion throughout the State with other training and
40 with other institutions of higher learning;

1 E. A description of any new courses or curricula
2 provided by the institutes;

3 F. A description and analysis of job placement
4 of graduates of the vocational-technical insti-
5 tutes;

6 G. A list of needs, in order of priority, of the
7 Maine Vocational-technical Institutes Administra-
8 tion and for each vocational-technical institute;
9 and

10 H. Any other information deemed significant by
11 the board.

12 §12568. Repayment of bonds

13 The Treasurer of State, in consultation with the
14 board, shall establish for each institute a rate at
15 which money generated by room and board charges at
16 each institute shall be allocated for the repayment
17 of bond principal and interest incurred by the con-
18 struction of dormitories and other facilities at each
19 institute.

20 Sec. 10. 26 MRSA §1021, first ¶, as amended by
21 PL 1977, c. 581, §1, is further amended to read:

22 It is declared to be the public policy of this
23 State and it is the purpose of this chapter to pro-
24 mote the improvement of the relationship between pub-
25 lic employers and their employees by providing a uni-
26 form basis for recognizing the right of the Universi-
27 ty of Maine employees, Maine Maritime Academy employ-
28 ees; and vocational-technical institute employees and
29 state schools for practical nursing employees to join
30 labor organizations of their own choosing and to be
31 represented by such organizations in collective bar-
32 gaining for terms and conditions of employment.

33 Sec. 11. 26 MRSA §1022, sub-§1-C, as amended by
34 PL 1979, c. 602, §5, is repealed and the following
35 enacted in its place:

36 1-C. Vocational-technical institute. "Vocation-
37 al-technical institute" means the Maine state
38 vocational-technical institutes and their activities

1 and functions supervised by the Board of Trustees of
2 the Maine Vocational-technical Institutes Administra-
3 tion or their designee. In furtherance of this chap-
4 ter, the employment relations, policies and practices
5 throughout the vocational-technical institutes shall
6 be as consistent as possible. It is the responsibili-
7 ty of the Board of Trustees of the Maine
8 Vocational-technical Institutes Administration or its
9 designee to negotiate collective bargaining agree-
10 ments and administer these agreements. The Board of
11 Trustees of the Maine Vocational-technical Institutes
12 Administration or its designee is responsible for em-
13 ployer functions of the vocational-technical insti-
14 tutes under this chapter; and shall coordinate its
15 collective bargaining activities with campuses or
16 units on matters of vocational-technical institute
17 concern. In addition to its responsibilities to the
18 public generally, the vocational-technical institutes
19 shall have the specific responsibility of considering
20 and representing the interests and welfare of the
21 students in any negotiations under this chapter. The
22 Board of Trustees of the Maine Vocational-technical
23 Institutes Administration may utilize the Office of
24 State Employee Relations for the purposes of this
25 chapter.

26 Sec. 12. 26 MRSA §1022, sub-§3, as amended by PL
27 1975, c. 671, §4, is further amended to read:

28 3. Board of Trustees. "Board of Trustees" means
29 the Board of Trustees of the University of Maine ~~or,~~
30 the Board of Trustees of the Maine Maritime Academy,
31 or the Board of Trustees of the Maine
32 Vocational-technical Institutes Administration.

33 Sec. 13. 26 MRSA §1022, sub-§11, as amended by
34 PL 1979, c. 602, §5, is further amended to read:

35 11. University, academy or vocational-technical
36 institute. "University, academy, or vocational-techni-
37 cal institute ~~or state schools for practical~~
38 ~~nursing~~ employee" means any regular employee of the
39 University of Maine, the Maine Maritime Academy, or
40 vocational-technical institutes ~~or state schools for~~
41 ~~practical nursing~~ performing services within a campus
42 or unit, except any person:

- 1 A. Appointed to office pursuant to statute;
- 2 B. Appointed by the Board of Trustees as a vice-
3 president, dean, director or member of the
4 chancellor's or superintendent's immediate staff;
- 5 C. Whose duties necessarily imply a confidential
6 relationship with respect to matters subject to
7 collective bargaining as between such person and
8 the university or the academy; or
- 9 D. Employed in his initial 6 months of employ-
10 ment.

11 Sec. 14. 26 MRSA §1023, as repealed and replaced
12 by PL 1977, c. 581, §4, is amended to read:

13 §1023. Right of university, academy or vocational-
14 technical institute employees to join labor
15 organizations

16 No one shall directly or indirectly interfere
17 with, intimidate, restrain, coerce or discriminate
18 against university, academy, or vocational-technical
19 institute ~~or state schools for practical nursing~~ em-
20 ployees or a group of university, academy, or
21 vocational-technical institute ~~or state schools for~~
22 ~~practical nursing~~ employees in the free exercise of
23 their rights, hereby given, voluntarily to join, form
24 and participate in the activities of organizations of
25 their own choosing for the purposes of representation
26 and collective bargaining, or in the free exercise of
27 any other right under this chapter.

28 Sec. 15. 26 MRSA §1024-A, sub-§§3 and 5, as en-
29 acted by PL 1979, c. 541, Pt. B, §31, are amended to
30 read:

31 3. Vocational-technical institutes. It is the
32 express legislative intent to foster meaningful col-
33 lective bargaining for employees of the
34 vocational-technical institutes ~~and state schools for~~
35 ~~practical nursing~~. Therefore, in accordance with this
36 policy, the bargaining units shall be structured with
37 one unit in each of the following occupational
38 groups:

1 A. Faculty and instructors; and

2 B. Administrative staff.

3 5. Additional bargaining units. Notwithstanding
4 subsection 1, 2 or 3, the Legislature recognizes that
5 additional or modified university system-wide units,
6 academy units, or vocational-technical institute
7 units ~~or state schools for practical nursing~~ units
8 may be appropriate in the future. Therefore, the em-
9 ployer or employee organizations may petition the ex-
10 ecutive director for the establishment of additional
11 or modified university system-wide units, academy
12 units, or vocational-technical institute units ~~or~~
13 ~~state schools for practical nursing~~ units. The execu-
14 tive director or his designee shall determine the ap-
15 propriateness of such petitions, taking into consid-
16 eration the community of interest and the declared
17 legislative intent to avoid fragmentation whenever
18 possible and to insure employees the fullest freedom
19 in exercising the rights guaranteed by this chapter.
20 The executive director or his designee conducting
21 unit determination proceedings shall have the power
22 to administer oaths and to require by subpoena the
23 attendance and testimony of witnesses, the production
24 of books, records and other evidence relative or per-
25 tinent to the issues represented to them.

26 Sec. 16. 26 MRSA §1025, as amended by PL 1977,
27 c. 581, §§8 and 9, is further amended to read:

28 §1025. Determination of bargaining agent

29 1. Voluntary recognition. Any employee organiza-
30 tion may file a request with the university, academy,
31 or vocational-technical institutes ~~or state schools~~
32 ~~for practical nursing~~ alleging that a majority of the
33 university, academy, or vocational-technical insti-
34 tute ~~or state schools for practical nursing~~ employees
35 in an appropriate bargaining unit as established in
36 section 1024, wish to be represented for the purpose
37 of collective bargaining between the university,
38 academy, or vocational-technical institutes ~~or state~~
39 ~~schools for practical nursing~~ and the employees' or-
40 ganization. Such request shall describe the grouping
41 of jobs or positions which constitute the unit
42 claimed to be appropriate and shall include a demon-

1 stration of majority support. Such request for rec-
2 ognition shall be granted by the university, academy,
3 or vocational-technical institutes ~~or state schools~~
4 ~~for practical nursing~~ unless the university, academy,
5 or vocational-technical institutes ~~or state schools~~
6 ~~for practical nursing~~ desires that an election deter-
7 mine whether the organization represents a majority
8 of the members in the bargaining unit. In the event
9 that the request for recognition is granted by the
10 university, academy, or vocational-technical insti-
11 tutes ~~or state schools for practical nursing~~, the ex-
12 ecutive director shall certify the organization so
13 recognized as the bargaining agent.

14 2. Elections.

15 A. The executive director of the board, upon
16 signed request of the university, academy, or
17 vocational-technical institutes ~~or state schools~~
18 ~~for practical nursing~~ alleging that one or more
19 university, academy, or vocational-technical in-
20 stitutes ~~or state schools for practical nursing~~
21 employees or employee organizations have pre-
22 sented to it a claim to be recognized as the rep-
23 resentative of a bargaining unit of university,
24 academy, or vocational-technical institute ~~or~~
25 ~~state schools for practical nursing~~ employees, or
26 upon signed petition of at least 30% of a bar-
27 gaining unit of university, academy, or
28 vocational-technical institutes' ~~or state schools~~
29 ~~for practical nursing~~ employees that they desire
30 to be represented by an organization, shall con-
31 duct a secret ballot election to determine wheth-
32 er the organization represents a majority of the
33 members of the bargaining unit.

34 B. The ballot shall contain the name of such or-
35 ganization and that of any other organization
36 showing written proof of at least 10% representa-
37 tion of the university, academy, or
38 vocational-technical institute ~~or state schools~~
39 ~~for practical nursing~~ employees within the unit,
40 together with a choice for any university, acade-
41 my, or vocational-technical institutes ~~or state~~
42 ~~schools for practical nursing~~ employee to desig-
43 nate that he does not desire to be represented by
44 any bargaining agent. Where more than one organi-

1 zation is on the ballot, and no one of the 3 or
2 more choices receives a majority vote of the uni-
3 versity, academy, or vocational-technical insti-
4 tute ~~or state schools for practical nursing~~ em-
5 ployees voting, a run-off election shall be held.
6 The run-off ballot shall contain the 2 choices
7 which received the largest and 2nd largest number
8 of votes. When an organization receives the ma-
9 jority of votes of those voting, the executive
10 director shall certify it as the bargaining
11 agent. The bargaining agent certified as repre-
12 senting a bargaining unit shall be recognized by
13 the university, academy, or vocational-technical
14 institutes ~~or state schools for practical nursing~~
15 as the sole and exclusive bargaining agent for
16 all of the employees in the bargaining unit un-
17 less and until a decertification election by se-
18 cret ballot shall be held and the bargaining
19 agent declared by the executive director as not
20 representing a majority of the unit.

21 C. Whenever 30% of the employees in a bargaining
22 unit petition for a bargaining agent to be
23 decertified, the procedures for conducting an
24 election on the question shall be the same as for
25 representation as bargaining agent hereinbefore
26 set forth.

27 D. No question concerning representation may be
28 raised within one year of a certification or at-
29 tempted certification. Where there is a valid
30 collective bargaining agreement in effect, no
31 question concerning unit or representation may be
32 raised except during the period not more than 90
33 nor less than 60 days prior to the expiration
34 date of the agreement.

35 Sec. 17. 26 MRS §1026, sub-§1, as amended by PL
36 1983, c. 127, is further amended to read:

37 1. Negotiations. It shall be the obligation of
38 the university, academy, or vocational-technical in-
39 stitutes ~~or state schools for practical nursing~~ and
40 the bargaining agent to bargain collectively. "Col-
41 lective bargaining" means, for the purpose of this
42 chapter, their mutual obligation:

1 A. To meet at reasonable times;

2 B. To meet within 10 days after receipt of writ-
3 ten notice from the other party requesting a
4 meeting for collective bargaining purposes, pro-
5 vided the parties have not otherwise agreed in a
6 prior written contract;

7 C. To confer and negotiate in good faith with
8 respect to wages, hours, working conditions and
9 contract grievance arbitration, except that by
10 such obligation neither party shall be compelled
11 to agree to a proposal or be required to make a
12 concession;

13 D. To execute in writing any agreements arrived
14 at, the term of any such agreement to be subject
15 to negotiation, but not to exceed 2 years; and

16 E. To participate in good faith in the media-
17 tion, fact finding and arbitration procedures re-
18 quired by this section.

19 Cost items in any collective bargaining agreement of
20 vocational-technical institutes ~~or state schools for~~
21 ~~practical nursing~~ employees shall be submitted for
22 inclusion in the Governor's next operating budget
23 within 10 days after the date on which the agreement
24 is ratified by the parties. If the Legislature re-
25 jects any of the cost items submitted to it, all cost
26 items submitted shall be returned to the parties for
27 further bargaining. Cost items shall include sala-
28 ries, pensions and insurance.

29 Sec. 18. 26 MRSA §1026, sub-§4, ¶C, as amended
30 by PL 1977, c. 581, §§12 and 13, is further amended
31 to read:

32 C. In reaching a decision under this section,
33 the arbitrators shall consider the following fac-
34 tors:

35 (1) The interests and welfare of the stu-
36 dents and the public and the financial abil-
37 ity of the university, academy, or
38 vocational-technical institutes ~~or state~~
39 ~~schools for practical nursing~~ to finance the

1 cost items proposed by each party to the im-
2 passe;

3 (2) Comparison of the wages, hours and
4 working conditions of the employees involved
5 in the arbitration proceeding with the
6 wages, hours and working conditions of other
7 employees performing similar services in
8 public and private employment competing in
9 the same labor market;

10 (3) The over-all compensation presently re-
11 ceived by the employees, including direct
12 salary and wage compensation, vacation, hol-
13 idays, life and health insurance, retirement
14 and all other benefits received;

15 (4) Such other factors not confined to the
16 foregoing, which are normally and
17 traditionally taken into consideration in
18 the resolution of disputes involving similar
19 subjects of collective bargaining in public
20 higher education;

21 (5) The need of the university, academy, or
22 vocational-technical institutes ~~or state~~
23 ~~schools for practical nursing~~ for qualified
24 employees;

25 (6) Conditions of employment in similar oc-
26 cupations outside the university, academy,
27 or vocational-technical institutes ~~or state~~
28 ~~schools for practical nursing~~;

29 (7) The need to maintain appropriate rela-
30 tionships between different occupations in
31 the university, academy, or
32 vocational-technical institutes ~~or state~~
33 ~~schools for practical nursing~~; and

34 (8) The need to establish fair and reason-
35 able conditions in relation to job qualifi-
36 cations and responsibilities.

37 Sec. 19. 26 M RSA §1027, sub-§1, as amended by PL
38 1977, c. 581, §14, is further amended to read:

1 1. University, academy and vocational-technical
2 institutes prohibitions. The university, its repre-
3 sentatives and agents, the academy, its representa-
4 tives and agents, and the vocational-technical insti-
5 tutes, their representatives and agents and the state
6 ~~schools for practical nursing, their representatives~~
7 ~~and agents~~ are prohibited from:

8 A. Interfering with, restraining or coercing em-
9 ployees in the exercise of the rights guaranteed
10 in section 1023;

11 B. Encouraging or discouraging membership in any
12 employee organization by discrimination in regard
13 to hire or tenure of employment or any term or
14 condition of employment;

15 C. Dominating or interfering with the formation,
16 existence or administration of any employee orga-
17 nization;

18 D. Discharging or otherwise discriminating
19 against an employee because he has signed or
20 filed any affidavit, petition or complaint or
21 given any information or testimony under this
22 chapter;

23 E. Refusing to bargain collectively with the
24 bargaining agent of its employees as required by
25 section 1026; or

26 F. Blacklisting of any employee organization or
27 its members for the purpose of denying them em-
28 ployment.

29 Sec. 20. 26 MRSA §1027, sub-§2 as repealed and
30 replaced by PL 1977, c. 581, §15, is amended to
31 read:

32 2. University, academy and vocational-technical
33 institutes prohibitions. University employees, uni-
34 versity employee organizations, their agents, members
35 and bargaining agents; academy employees, academy em-
36 ployee organizations, their agents, members and bar-
37 gaining agents; and vocational-technical institute
38 employees, vocational-technical institute employee
39 organizations, their agents, members and bargaining

1 agents; and state schools for practical nursing em-
2 ployees; state schools for practical nursing employee
3 organizations; their agents; members and bargaining
4 agents are prohibited from:

5 A. Interfering with, restraining or coercing em-
6 ployees in the exercise of the rights guaranteed
7 in section 1023 or the university, academy, and
8 vocational-technical institutes and state schools
9 for practical nursing in the selection of their
10 representatives for the purposes of collective
11 bargaining or the adjustment of grievances;

12 B. Refusing to bargain collectively with the
13 university, academy, and vocational-technical in-
14 stitutes and state schools for practical nursing
15 as required by section 1026; and

16 C. Engaging in:

17 (1) A work stoppage, slowdown or strike;
18 and

19 (2) The blacklisting of the university,
20 academy, or vocational-technical institutes
21 or the state schools for practical nursing
22 for the purpose of preventing them from
23 filling employee vacancies.

24 Sec. 21. 26 MRSA §1029, sub-§1, as amended by PL
25 1977, c. 581, §16, is further amended to read:

26 1. Board power to prevent prohibited acts. The
27 board is empowered, as provided, to prevent any per-
28 son, the university, any university employee, any
29 university employee organizations, the academy, any
30 academy employees, any academy employee organiza-
31 tions, the vocational-technical institutes, any
32 vocational-technical institute employee, any
33 vocational-technical institute employee organiza-
34 tions; the state schools for practical nursing; any
35 state schools for practical nursing employee; any
36 state schools for practical nursing employee
37 organizations or any bargaining agent from engaging
38 in any of the prohibited acts enumerated in section
39 1027. This power shall not be affected by any other
40 means of adjustment or prevention that has been or
41 may be established by agreement, law or otherwise.

1 Sec. 22. 26 MRSA §1029, sub-§2, as amended by PL
2 1977, c. 581, §17, is further amended to read:

3 2. Complaints. The university, any university
4 employee, any university employee organization, the
5 academy, any academy employee, any academy employee
6 organization, the vocational-technical institutes,
7 any vocational-technical institute employee, any
8 vocational-technical institute employee organization,
9 ~~the state schools for practical nursing, any state~~
10 ~~school for practical nursing employee, any state~~
11 ~~school for practical nursing employee organization~~ or
12 any bargaining agent which believes that any person,
13 the university, any university employee, any univer-
14 sity employee organization, the academy, any academy
15 employee, any academy employee organization, the
16 vocational-technical institutes, any vocational-
17 technical institute employee, any vocational-
18 technical institute employee organization, ~~the state~~
19 ~~schools for practical nursing, any state school for~~
20 ~~practical nursing employee, any state school for~~
21 ~~practical nursing employee organization~~ or any bar-
22 gaining agent has engaged in or is engaging in any
23 such prohibited practice may file a complaint with
24 the executive director of the board stating the
25 charges in that regard. No such complaint shall be
26 filed with the executive director until the complain-
27 ing party shall have served a copy thereof upon the
28 party named in the complaint. Upon receipt of such
29 complaint, the executive director or his designee
30 shall review the charge to determine whether the
31 facts as alleged may constitute a prohibited act. If
32 it is determined that the facts do not, as a matter
33 of law, constitute a violation, the charge shall be
34 dismissed by the executive director, subject to re-
35 view by the board. If a formal hearing is deemed nec-
36 essary by the executive director or by the board, the
37 executive director shall serve upon the parties to
38 the complaint a notice of the prehearing conference
39 and of the hearing for the prehearing conference or
40 the hearing, as appropriate, provided that no hearing
41 shall be held based upon any alleged prohibited prac-
42 tice occurring more than 6 months prior to the filing
43 of the complaint with the executive director. The
44 party complained of shall have the right to file a
45 written answer to the complaint and to appear in per-
46 son or otherwise and give testimony at the place and

1 time fixed for the hearing. In the discretion of the
2 board, any other person or organization may be al-
3 lowed to intervene in that proceeding and to present
4 testimony. Nothing in this subsection shall restrict
5 the right of the board to require the executive di-
6 rector or his designee to hold a prehearing confer-
7 ence on any prohibited practice complaint prior to
8 the hearing before the board and taking whatever ac-
9 tion, including dismissal, attempting to resolve dis-
10 agreements between the parties or recommending an or-
11 der to the board, as he may deem appropriate, subject
12 to review by the board.

13 Sec. 23. 26 MRSA §1029, sub-§6, as repealed and
14 replaced by PL 1977, c. 581, §18, is amended to read:

15 6. Simultaneous injunctive relief. Whenever a
16 complaint is filed with the executive director of the
17 board alleging that the university, academy, or
18 vocational-technical institutes or state schools for
19 practical nursing have violated section 1027, subsec-
20 tion 1, paragraph F, or alleging that an employee,
21 employee organization or bargaining agent of the uni-
22 versity, academy, or vocational-technical institutes
23 ~~or state schools for practical nursing~~ have violated
24 section 1027, subsection 2, paragraph C, the party
25 making the complaint may simultaneously seek injunc-
26 tive relief from the Superior Court in the county in
27 which the prohibited practice is alleged to have oc-
28 curred pending the final adjudication of the board
29 with respect to such matter.

30 Sec. 24. 26 MRSA §1031, as amended by PL 1977,
31 c. 581, §19, is further amended to read:

32 §1031. Scope of binding contract arbitration

33 A collective bargaining agreement between the
34 university, the academy, the vocational-technical in-
35 stitutes ~~or the state schools for practical nursing~~
36 and a bargaining agent may provide for binding arbi-
37 tration as the final step of a grievance procedure
38 but the only grievances which may be taken to such
39 binding arbitration shall be disputes between the
40 parties as to the meaning or application of the spe-
41 cific terms of collective bargaining agreement. An
42 arbitrator with the power to make binding decisions

1 pursuant to any such provisions shall have no author-
2 ity to add to, subtract from or modify the collective
3 bargaining agreement.

4 Sec. 25. 26 MRSA §1034, sub-§2, as amended by PL
5 1977, c. 581, §20, is further amended to read:

6 2. No restriction on eligibility for federal
7 grant-in-aid or assistance programs. Nothing in this
8 chapter or any contract negotiated pursuant to this
9 chapter shall in any way be interpreted or allowed to
10 restrict or impair the eligibility of the university,
11 any of its campuses or units, academy, or
12 vocational-technical institutes ~~or state schools for~~
13 ~~practical nursing~~ in obtaining the benefits under any
14 federal grant-in-aid or assistance programs.

15 Sec. 26. 26 MRSA c. 13, sub-c. IX, as amended,
16 is repealed.

17 Sec. 27. Transition provision. The Governor may
18 appoint an executive director and members to the
19 board of trustees as of the effective date of this
20 Act. The transitions provided for in this Act shall
21 be accomplished in orderly stages and shall be com-
22 pleted by July 1, 1986. During this transition peri-
23 od, the board of trustees shall receive staff assist-
24 ance from the Department of Educational and Cultural
25 Services. Any expenses of the board of trustees dur-
26 ing the period of transition shall be paid from funds
27 available to the Department of Educational and Cul-
28 tural Services.

29 1. Funds transferred. Notwithstanding the Maine
30 Revised Statutes, Title 5, sections 1585 and 1586,
31 all accrued expenditures, assets, liabilities, bal-
32 ances or allocations, transfers, revenues or other
33 available funds in any account or subdivision of an
34 account of the Bureau of Vocational Education within
35 the Department of Educational and Cultural Services
36 and authorized for used by or for the vocational
37 technical institutes shall be reallocated to the
38 Maine Vocational-technical Institutes Administration.

39 2. Personnel transferred. Personnel of the Bu-
40 reau of Vocational Education under the Department of
41 Educational and Cultural Services and assigned pri-

1 marily to post-secondary vocational-technical educa-
2 tional activities provided in this Act shall be
3 transferred to the Maine Vocational-technical Insti-
4 tutes Administration. The accrued fringe benefits in-
5 cluding vacation and sick leave, health and life in-
6 surance and retirement of these personnel shall re-
7 main with the transferred personnel.

8 3. Rules and procedures. All rules and proce-
9 dures currently in effect and operation pertaining to
10 the vocational-technical institutes within the Bureau
11 of Vocational Education within the Department of Edu-
12 cational and Cultural Services shall be transferred
13 to the Maine Vocational-technical Institutes Adminis-
14 tration and shall remain in effect until rescinded or
15 amended by the Board of Trustees of the Maine
16 Vocational-technical Institutes Administration.

17 4. Equipment and property transferred. All
18 equipment and property of the State used primarily by
19 employees and officials of the Bureau of Vocational
20 Education within the Department of Educational and
21 Cultural Services and used primarily by the
22 Vocational-technical institutes shall be transferred
23 to the Maine Vocational-technical Institutes Adminis-
24 tration.

25 5. Contracts and agreements. All contracts and
26 agreements currently in effect with the Bureau of Vo-
27 cational Education and contracts relating to the
28 vocational-technical institutes shall remain in ef-
29 fect following the effective date of this Act until
30 rescinded, terminated or modified by the Maine
31 Vocational-technical Institutes Administration.

32 6. Organization and operation of department.
33 Notwithstanding any other provision of law, any ap-
34 pointment required by this Act and preparation work
35 may be made or occur prior to the effective date of
36 this Act, but shall not become binding until the ef-
37 fective date of this Act.

38 7. Location of department. The Maine
39 Vocational-technical Institutes Administration as
40 created by this Act shall be located at the present
41 location of the Bureau of Vocational Education fol-
42 lowing the effective date of this Act unless the

1 Board of Trustees of the Maine Vocational-technical
2 Institutes Administration and the Executive Director
3 of the Maine Vocational-technical Institutes Adminis-
4 tration agree to a new location.

5 8. Employees. Employees of the Bureau of Voca-
6 tional Education and the vocational-technical insti-
7 tutes who are transferred to the Maine
8 Vocational-technical Institutes Administration shall
9 remain as members within the Maine State Retirement
10 System during their tenure in the administration. New
11 employees shall also be eligible for membership in
12 the Maine State Retirement System.

13 9. Collective bargaining agreements. The posi-
14 tions to be transferred by this Act shall be reviewed
15 by the Associate Commissioner of Vocational-technical
16 Education in light of existing collective bargaining
17 agreements. The associate commissioner shall report
18 his findings the the joint standing committee of the
19 Legislature having jurisdiction over State Government
20 by January 1, 1986.

21 10. Board of trustees review operation. The
22 board of trustees shall review the formation and op-
23 eration of the Maine Vocational-technical Institutes
24 Administration including the institutes and shall re-
25 port its findings and recommendations to the Legisla-
26 ture at the completion of one full year of operation.

27 **Sec. 28. Appropriation.** The following funds are
28 appropriated from the General Fund to carry out the
29 purposes of this Act.

	<u>1985-86</u>	<u>1986-87</u>
31 <u>MAINE VOCATIONAL-TECHNICAL</u>		
32 <u>INSTITUTES ADMINISTRATION</u>		
33 All Other		\$ 165,000
34 Provides funds		
35 for upgrading 2		
36 positions, the		
37 expenses of the		
38 board of trust-		
39 ees, office		

1 rental and 4 new
2 positions, 2
3 clerical staff,
4 1 accountant and
5 1 Vocational -
6 technical Insti-
7 tute Planner.

8 MAINE VOCATIONAL-TECHNICAL
9 INSTITUTES ADMINISTRATION

10 All Other (\$3,043,073)

11 Reduces the ap-
12 propriation to
13 the Maine Voca-
14 tional - techni-
15 cal Institutes
16 Administration
17 to compensate
18 for a loss of
19 General Fund
20 revenue due to
21 the
22 administration's
23 authorization to
24 keep tuition and
25 fees previously
26 turned over to
27 the General
28 Fund.

29 EDUCATIONAL AND CULTURAL
30 SERVICES, DEPARTMENT OF

31 Personal Services \$ 5,261
32 All Other \$25,000

33 "Personal Ser-
34 vices" fund pro-
35 vides for the
36 upgrade of a Di-
37 rector to As-
38 sociate Commis-
39 sioners. "All
40 Other" funds
41 provides for

1 transitional
2 costs incurred
3 during fiscal
4 year 1985-86.
5 Any of these
6 "All Other"
7 funds remaining
8 at the end of
9 fiscal year
10 1985-86 shall
11 lapse to the
12 General Fund.

13 FISCAL NOTE

14 This bill will result in a loss of General Fund
15 revenues amounting to \$3,043,073 in fiscal year
16 1986-87. This loss would be offset by an equal
17 deappropriation from the Maine Vocational-technical
18 Institutes Administration.

19 STATEMENT OF FACT

20 This new draft establishes a Maine
21 Vocational-technical Institutes Administration with
22 the powers and privileges of an independent agency.
23 The purpose for establishing the Maine
24 Vocational-technical Institutes Administration is to
25 provide the vocational-technical institutes with the
26 flexibility required to respond to the changing needs
27 of the State's economy and to the needs of the stu-
28 dents at the institutes.

29 The Maine Vocational-technical Institutes Admin-
30 istration has a 9-voting member policy-making board
31 and 3 ex officio nonvoting members. The board ap-
32 proves the appointments of the directors of the
33 vocational-technical institutes made by the executive
34 director, establishes policies for the operation and
35 administration of the Maine Vocational-technical In-
36 stitutes Administration and has the authority to al-
37 locate funds and personnel as required to meet the
38 demands on the institutes.

39 The executive director is responsible for admin-
40 istering the Maine Vocational-technical Institutes
41 Administration, including the institutes. The execu-

1 tive director may delegate duties and responsibili-
2 ties, many of which will be delegated to the direc-
3 tors of the institutes with respect to the adminis-
4 tration of the institutes. The executive director is
5 also responsible for coordinating education and
6 training programs of the Maine Vocational-technical
7 Institutes Administration with the University of
8 Maine, the Department of Educational and Cultural
9 Services and among the institutes. In addition, the
10 executive director is required to work closely with
11 the private sector to enable the institutes to re-
12 spond expeditiously to the needs of the private
13 sector.

14 The directors of each institute are responsible
15 for administering the institutes under the direction
16 of the executive director. The directors are autho-
17 rized to appoint local advisory boards as they pres-
18 ently are authorized in order to ensure that the pop-
19 ulation in the area of each institute has the oppor-
20 tunity to provide suggestions and other assistance to
21 each institute.

22 Currently, the vocational-technical institutes
23 are within the Department of Educational and Cultural
24 Services, which is primarily concerned with kinder-
25 garten to 12th grade education in the public schools.
26 The vocational-technical institutes, for the most
27 part, are completely outside the scope of the orien-
28 tation and policies of the Department of Educational
29 and Cultural Services.

30 The vocational-technical institutes are very im-
31 portant to the economic growth and development of the
32 State. The institutes must be able to provide short-
33 term and long-term training programs to meet the
34 needs of a changing economy and the private sector.

35 The average age of the students attending the
36 vocational-technical institutes is 25 years. Many of
37 the students at the institutes in the future will be
38 persons who are retraining to acquire new skills as
39 these new skills are required. The institutes will be
40 operating not only to provide "first-time" skills to
41 day students but also "2nd, 3rd and 4th" skills to
42 persons who continue to work at their job, but who
43 attend the institutes during off-job hours to retrain

1 to meet changing job requirements or new job require-
2 ments.

3 The traditional approach to vocational education
4 at the institutes will be changing in order to meet
5 the needs of industry and the worker. A board of
6 trustees oriented exclusively to vocational education
7 at the institutes will have the time and the ability
8 to facilitate the necessary changes. The Maine
9 Vocational-technical Institutes Administration, as an
10 independent state agency, will be able to provide the
11 flexibility and the resources to enable the
12 vocational-technical institutes to meet the chal-
13 lenges of the future and play a viable role in the
14 rapidly changing economic systems of the State and
15 the nation.

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