

MAINE STATE LEGISLATURE

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L.D. 1645

(Filing No. H-399)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
112TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to S.P. 628, L.D. 1645,
Bill, "AN ACT Relating to the Administration of Vocational Education."

Amend the bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 5 MRSA §560 is enacted to read:

§560. Personnel of the Maine vocational-technical institutes

The Commissioner of Personnel, with the advice and consent of the Board of Trustees of the Maine Vocational-technical Institutes, as defined in Title 20-A, chapter 429, shall establish policies and procedures by which personnel and positions at the institutes may be created, abolished, allocated and transferred in a very expeditious manner, consistent with any collective bargaining agreements, within and among the several vocational-technical institutes. The Department of Personnel shall establish the policies and procedures no later than July 1, 1986. These policies and procedures shall enable the vocational-technical institutes to positively and quickly respond to private sector job training and job skill needs on both a short-term and long-term basis. These policies and procedures shall enable the Board of Trustees of the Maine Vocational-technical Institutes to abolish, create, change and transfer programs of instruction with each institute and among the vocational-technical institutes in a very expeditious manner.

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

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1 4-A. Vocational-technical institutes. The Gover-
2 nor may allocate funds from such account in amounts
3 not to exceed in total the sum of \$100,000 in any
4 fiscal year to provide funds for any unusual and un-
5 foreseen needs as may arise in the operation of the
6 vocational-technical institutes. Allocations may be
7 made from this fund by the Governor only upon the
8 written request of the State Board of Education
9 Trustees of the Maine Vocational-technical Institutes
10 and after consultation with the State Budget Officer.

11 Sec. 3. 5 MRSA §1588 is enacted to read:

12 §1588. Maine vocational-technical institutes

13 Any funds appropriated or allocated by the Legis-
14 lature for the administration or operation of or for
15 use by the Maine vocational-technical institutes
16 shall be provided in a lump sum and deposited in a
17 nonlapsing revolving fund. This money shall be ex-
18 pended in accordance with Title 20-A, chapter 429.
19 The Board of Trustees of the Maine
20 Vocational-technical Institutes, without the approval
21 of the Department of Finance and Administration, may
22 allocate and transfer funds within the budget of the
23 institutes as deemed necessary by the board. The
24 Board of Trustees, without the approval of the De-
25 partment of Finance and Administration, may purchase
26 equipment, allocate and transfer equipment among the
27 institutes and enter into contracts and agreements as
28 provided in Title 20-A, chapter 429.

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

31	<u>(4-A) Education</u>	<u>Board of Trustees-</u>	<u>Expenses</u>	<u>20-A MRSA</u>
32		<u>Maine Vocational-</u>	<u>only</u>	<u>§12553</u>
33		<u>technical Insti-</u>		
34		<u>utes</u>		

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

3 Sec. 6. 20-A MRSA c. 403, as amended, is re-
4 pealed.

5 Sec. 7. 20-A MRSA c. 429 is enacted to read:

6 CHAPTER 429

7 ADMINISTRATION OF THE MAINE
8 VOCATIONAL-TECHNICAL INSTITUTES

9 §12551. Purpose and mission

10 In order to enjoy the blessings of domestic tran-
11 quility, liberty and justice, a society must recog-
12 nize and valiantly strive to develop its greatest re-
13 source which is the citizens of the State. A society
14 can only flourish and prosper if the citizens have
15 the opportunity to achieve self-fulfillment, a sense
16 of pride in themselves and their accomplishments and
17 the ability to achieve for the common good.

18 The purpose and mission of post-secondary
19 vocational-technical education in the State, there-
20 fore, is to provide the means by which persons may
21 acquire knowledge and skills to grow and adapt to the
22 changing needs of the State's economy and to success-
23 fully live in and contribute to a highly complex and
24 dynamic society.

25 In order to promote the general welfare, secure
26 the fruits of prosperity and ultimately contribute to
27 the happiness of the citizenry, it is necessary to
28 provide the State with working people who are consci-
29 entious, productive, well-informed, adaptable in mind
30 and in skills and who possess a sense of
31 self-awareness and social responsibility. To accom-
32 plish these just and noble goals,
33 vocational-technical education in the State must be
34 directed to meet specific objectives.

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- 1 1. Objectives. The objectives include:
- 2 A. Anticipation of future economic development
3 needs of the State and preparation of the State's
4 labor force to expeditiously meet these needs;
- 5 B. Coordination of economic development policy
6 with vocational-technical education and training;
- 7 C. Creation of a skilled but flexible and adapt-
8 able labor force which is responsive to the labor
9 needs of the State's economy;
- 10 D. The opportunity for Maine workers to be
11 retrained in new skills that are in demand;
- 12 E. Responsiveness of vocational-technical educa-
13 tion not only to the economic needs of the State,
14 but also to regional and local needs;
- 15 F. Expeditious adaption to changing requirements
16 and needs, not only by the vocational-technical
17 institutes but also by the labor force, through
18 training and educational programs offered at the
19 institutes and at other convenient and accessible
20 locations; and
- 21 G. Coordination of training and educational pro-
22 grams and personnel with the several institutions
23 of higher learning in the State.
- 24 2. Maine vocational-technical institutes; goals.
25 In addition to the objectives and goals as estab-
26 lished in this section, the board of trustees and the
27 commissioner shall:
- 28 A. Cooperate closely with the private sector to
29 provide both short-term training to meet private
30 sector needs and longer-term education and train-
31 ing necessary for various occupations;

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1 B. Cooperate closely with the private sector,
2 other institutions of higher education and eco-
3 nomical development agencies of the State to under-
4 take long-range planning and provide for coordi-
5 nated education and training programs throughout
6 the State;

7 C. Coordinate the activities of the institutes
8 with the programs of the Department of Education-
9 al and Cultural Services, Division of Adult and
10 Continuing Education;

11 D. Offer courses and curricula that provide more
12 than basic skills and teach students not only how
13 to think but also to understand the basis of is-
14 ssues and problems;

15 E. Provide each graduate with job skills and an
16 understanding of how to adapt these skills to
17 changing technology and a changing economy;

18 F. Provide the general education necessary to
19 complement the requirements of specific vocation-
20 al and technical skills;

21 G. Provide supplementary education programs to
22 upgrade those persons already employed or retrain
23 persons for new employment opportunities;

24 H. Provide special programs for disadvantaged
25 and handicapped persons to permit them to take
26 maximum advantage of their aptitudes and inter-
27 ests; and

28 I. Develop programs with the goal of enabling
29 recipients of Aid to Families with Dependent
30 Children to achieve education and skill levels
31 that will allow them to compete for employment
32 which can eliminate their dependency on public
33 assistance.

34 §12552. Definitions

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1 As used in this chapter, unless the context oth-
2 erwise indicates, the following terms have the fol-
3 lowing meanings.

4 1. Board. "Board" means the Board of Trustees of
5 the Maine Vocational-technical Institutes.

6 2. Commissioner. "Commissioner" means the Com-
7 missioner of Educational and Cultural Services.

8 3. Director. "Director" means the director of a
9 vocational-technical institute, as established in
10 section 12558.

11 4. Institute. "Institute" means a vocational-
12 technical institute, as established in section 12560.

13 §12553. Board of Trustees of the Maine
14 Vocational-technical Institute

15 The Board of Trustees of the Maine
16 Vocational-technical Institutes, established pursuant
17 to Title 5, section 12004, subsection 8, shall be the
18 policy-making authority of the vocational-technical
19 institutes.

20 1. Membership. The board shall consist of 9 vot-
21 ing members and 2 ex officio nonvoting members ap-
22 pointed by the Governor as follows:

23 A. Three from the field of business and indus-
24 try;

25 B. One from the field of labor;

26 C. Two from the State Board of Education;

27 D. One from the Board of Trustees of the Univer-
28 sity of Maine;

29 E. Two persons from the general public who have

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1 demonstrated great interest in vocational educa-
2 tion;

3 F. The Commissioner of Educational and Cultural
4 Services, who shall serve as an ex officio, non-
5 voting member; and

6 G. The Director of the State Development Office
7 who shall serve as an ex officio, nonvoting mem-
8 ber.

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

25 3. Compensation. Members shall be compensated
26 according to Title 5, section 12004, subsection 8,
27 from funds within the budget of the Department of Ed-
28 ucational and Cultural Services.

29 4. Chairman. The Governor shall appoint the
30 chairman annually. A chairman shall be eligible for
31 reappointment.

32 5. Meetings. The board shall meet at least once
33 a month and at the call of the chairman or at the re-
34 quest of a majority of the members of the board.

35 6. Quorum. A quorum shall consist of 5 voting

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1 members and the board shall not conduct any official
2 business without a quorum present and voting.

3 §12554. Board of trustees; powers and duties

4 The board of trustees shall have the following
5 powers and duties:

6 1. Policy. Develop and adopt policies for the
7 operation of the administration and the
8 vocational-technical institutes;

9 2. Administrative responsibility. Oversee the
10 administration of the vocational-technical insti-
11 tutes;

12 3. Study and propose personnel policies. Study
13 and propose personnel policies and procedures for the
14 vocational-technical institutes to be presented to
15 the Governor and Legislature. These policies and
16 procedures may include implementing legislation;

17 4. Prepare and adopt a budget. Prepare and adopt
18 a budget to include the board and
19 vocational-technical institutes for submission to the
20 Governor and Legislature. The budget may contain pro-
21 visions for construction, renovation and reconstruc-
22 tion projects;

23 5. 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 6. 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 7. Sell and dispose of property. Sell and dis-

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1 pose of property, including lands, buildings, struc-
2 tures, equipment and facilities. Any revenues derived
3 from the sale of property shall be placed in a re-
4 volving fund and used for the purposes set forth in
5 section 12551;

6 8. Undertake construction and renovation. Ap-
7 prove the construction, renovation and reconstruction
8 of buildings, structures, facilities and other im-
9 provements within the constraints of the budget for
10 the institutes;

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

21 10. Approval of programs and policies. Approve
22 or disapprove programs and policies recommended by
23 the commissioner and the directors of the institutes;

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

31 12. Establish rules. Establish such rules, in a
32 manner consistent with the Maine Administrative Pro-
33 cedure Act, Title 5, chapter 375, as the board deems
34 necessary or convenient to carry out this chapter;

35 13. Establish and oversee the operation of the
36 vocational-technical institutes. Establish and over-

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1 see the operation of the vocational-technical insti-
2 tutes to promote specialized training for persons who
3 give evidence of special aptitude or need and who de-
4 sire specialized training designed specifically to
5 train for service in trade, industry or commerce. The
6 training and education, as authorized by this section
7 shall be directed toward the goals, objectives and
8 purpose set forth in section 12551.

9 A. The board shall provide for the offering of
10 short-term training to meet the needs of the pri-
11 vate sector and for longer-term training and edu-
12 cation.

13 B. The board shall also provide for continuing
14 education courses by which persons may update
15 their skills or change their skills as technology
16 and the State's economy change;

17 14. Offer courses of study and degrees. Offer
18 courses of study; grant diplomas and certificates on
19 completion of a course of study; confer associate de-
20 grees based on 2 years of instruction; and establish
21 qualifications for admission;

22 15. Approve the commissioner's appointments of
23 directors of vocational-technical institutes. Approve
24 the commissioner's appointments of the directors of
25 the vocational-technical institutes who shall serve
26 at the pleasure of the commissioner;

27 16. Delegate duties and responsibilities. Dele-
28 gate duties and responsibilities as the board deems
29 necessary for the efficient operation of this chap-
30 ter;

31 17. Expend, allocate and transfer funds. Expend
32 funds as necessary to fulfill this chapter and allo-
33 cate and transfer funds within the system under the
34 administration of the board and the executive direc-
35 tor, as the board deems necessary;

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1 18. Allocate and transfer personnel and equip-
2 ment. Allocate and transfer personnel, consistent
3 with collective bargaining agreements and policies
4 and procedures approved by the Department of Person-
5 nel and allocate and transfer equipment within the
6 system under the administration of the board and com-
7 missioner as the board deems necessary;

8 19. Invest funds. Except as otherwise provided
9 in this chapter, invest any funds not needed for im-
10 mediate use, including any funds held in reserve, in
11 property or securities in which fiduciaries in the
12 State may legally invest funds; and

13 20. Other powers. Do any acts and things neces-
14 sary or convenient to carry out the powers expressly
15 granted or reasonably implied in this chapter.

16 §12555. Advisory council to board of trustees

17 1. Advisory matters. The federally funded and
18 mandated Maine Council on Vocational Education, with-
19 in the constraints of any federal law affecting the
20 powers, duties and responsibilities of the council,
21 shall serve as an advisory board to the board of
22 trustees with respect to:

23 A. Vocational-technical education and training
24 policies and programs;

25 B. Procedures to make the vocational-technical
26 institutes responsive to the needs of the State's
27 economy and changes in the job market; and

28 C. The efficient operation of the institutes and
29 the office of the executive director.

30 §12556. Duties and responsibilities of the commis-
31 sioner

32 The commissioner shall implement the policies of
33 the board and be responsible for the day-to-day oper-

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1 ation of the Maine vocational-technical institutes.
2 The executive director shall have the following pow-
3 ers and duties:

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

8 2. Undertake research and issue reports. To un-
9 dertake research and issue reports to the board, the
10 Governor and the Legislature as directed by the
11 board;

12 3. Assist in the preparation of the budget. To
13 assist in the preparation of a budget for the admin-
14 istration and operation of the institutes to be ap-
15 proved by the board prior to submission to the Gover-
16 nor;

17 4. Oversee the staff of Maine
18 vocational-technical institutes and the administra-
19 tion of the institutes. To oversee the staff of the
20 Maine vocational-technical institutes and the admin-
21 istration of the institutes;

22 5. Undertake any and all duties delegated to the
23 commissioner by the board. To undertake any and all
24 duties delegated to the commissioner by the board;

25 6. Approve and appoint other personnel. To ap-
26 point directors of the institutes, subject to approv-
27 al by the board and to approve appointments made by
28 the directors of the institutes as provided in sec-
29 tion 12558;

30 7. Promote cooperation and communication. To
31 promote cooperation and communication with the Uni-
32 versity of Maine system;

33 8. Undertake long-range planning. To undertake
34 long-range planning to include construction,

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1 renovation and reconstruction projects and report his
2 findings and recommendations to the board;

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

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

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

20 12. Provide direction to institutes. Develop po-
21 licies, procedures, goals and objectives to be ap-
22 proved by the board with respect to the operation of
23 the institutes. The commissioner shall meet regularly
24 with the directors of the institutes to develop these
25 policies and goals and to assist the directors in
26 their duties;

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

31 14. Implement the mission and purpose of this
32 chapter. Implement the mission and purpose set forth
33 in section 12551;

34 15. Work closely with the private sector. Work
35 closely with the private sector in order to insure

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1 that the vocational-technical institutes respond ex-
2 peditiously to the needs of the private sector and
3 the State's economy, particularly with respect to
4 changing technology, industries and job needs;

5 16. Delegate responsibility. Delegate responsi-
6 bilities and duties as necessary to administer this
7 chapter; and

8 17. Accounting system and procedures. To provide
9 for an accounting system and procedures that reflect
10 for each vocational-technical institute all appropri-
11 ations, allocations, income and revenues, by source,
12 and the expenditures of each institute.

13 §12557. Department of Personnel

14 The Commissioner of Personnel, with the advice
15 and consent of the board, shall establish procedures
16 and policies by which personnel and positions may be
17 expeditiously allocated and transferred consistent
18 with any collective bargaining agreements within and
19 among several vocational-technical institutes. The
20 department shall establish the policies and proce-
21 dures by no later than July 1, 1987. These policies
22 and procedures shall enable the vocational-technical
23 institutes to positively and quickly respond to pri-
24 vate sector job training and job skill needs for both
25 the short term and long term. These policies and
26 procedures shall enable the Board of Trustees of the
27 Maine Vocational-technical Institutes to abolish,
28 create, change and transfer programs of instruction
29 within each institute and among the
30 vocational-technical institutes in a very expeditious
31 manner.

32 The board shall report its findings with respect
33 to the operation of this section to the Legislature
34 no later than July 1, 1987.

35 §12558. Directors of institutes

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1 The board, following consideration of the recom-
2 mendations of the commissioner, shall approve the ap-
3 pointment of directors of the vocational-technical
4 institutes. The directors shall be qualified by edu-
5 cation and experience.

6 1. Administration of institutes. The directors
7 shall be responsible for the administration of the
8 institutes under the direction of the commissioner.
9 The directors shall cooperate to provide vocational
10 education and training that best meets the needs of
11 the students, the private sector and the changing
12 economy of the State. The directors shall administer
13 the vocational-technical institutes consistent with
14 the purpose and mission set forth in section 12551.

15 2. Appointment of deans. The director of each
16 vocational-technical institute may appoint a dean and
17 other personnel with the approval of the commission-
18 er.

19 3. Make recommendations. The director of each
20 institute may make recommendations to the commission-
21 er with respect to the administration of the insti-
22 tute, courses of training and curricula, coordination
23 of programs with other institutes and with other in-
24 stitutions of higher learning and any other matter
25 requested by the commissioner.

26 4. Evaluate personnel at the institute. The di-
27 rector of each institute shall make recommendations
28 as requested by the board or the commissioner con-
29 cerning policies relating to the hiring, firing or
30 granting of any merit increases of instructional per-
31 sonnel and make specific recommendations as requested
32 about individual instructors, consistent with any
33 collective bargaining agreements.

34 5. Appointment of police officers. The directors
35 may appoint persons to act as police officers who,
36 while within the limits of the property owned by or
37 under the control of the institutes, shall possess

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1 all the powers of police officers in criminal cases.

2 A. The board may establish guidelines by which
3 each director may make rules for the control,
4 movement and parking of vehicles within the lim-
5 its of the property owned by or under the control
6 of the institute. A director's rule shall be
7 adopted or amended in accordance with subsection
8 3. It shall have the same force and effect as a
9 municipal ordinance. District Courts may impose
10 finer, not to exceed \$10, for each violation of
11 these rules.

12 B. The board may adopt the provisions of Title
13 30, section 2151, subsection 3, paragraph A, re-
14 lating to prima facie evidence and the establish-
15 ment of a waiver of court action by payment of
16 specified fees.

17 6. Advisory committees. The director may also
18 appoint advisory committees to advise the director of
19 the institute on the development and operation of ac-
20 ademic programs at the vocational-technical insti-
21 tute.

22 §12559. Budget

23 The board shall prepare and submit a budget to
24 the Governor and the Legislature to include the board
25 and the several institutes. The board shall deline-
26 ate the proposed needs and expenditures in a
27 line-item budget. Any appropriation or allocation
28 made by the Legislature to the vocational-technical
29 institute system shall be a lump sum appropriation or
30 allocation to be expended in accordance with the pro-
31 visions of this chapter. The board may allocate or
32 transfer funds within the budget as the board deems
33 necessary. Nothing in this chapter may be construed
34 to require approval by the Governor or the Department
35 of Finance and Administration of any allocation or
36 transfer of funds made by the board.

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1 Any appropriation or allocation of funds by the
2 Legislature shall be deposited in a nonlapsing re-
3 volving fund. The board may invest any of the money
4 of this fund in accordance with section 12554, sub-
5 section 19.

6 §12560. Name and program of vocational-technical in-
7 stitutes

8 The program of the vocational-technical insti-
9 tutes shall be designed to educate and prepare quali-
10 fied high school graduates, or the equivalent, in ac-
11 cordance with the purpose set forth in section 12551.
12 The names of the vocational-technical institutes
13 shall be:

14 1. Central Maine Vocational-Technical Institute.
15 Central Maine Vocational-Technical Institute in the
16 City of Auburn;

17 2. Eastern Maine Vocational-Technical Institute.
18 Eastern Maine Vocational-Technical Institute in the
19 City of Bangor;

20 3. Kennebec Valley Vocational-Technical Insti-
21 tute. Kennebec Valley Vocational-Technical Institute
22 in the Town of Fairfield;

23 4. Northern Maine Vocational-Technical Insti-
24 tute. Northern Maine Vocational-Technical Institute
25 in the City of Presque Isle;

26 5. Southern Maine Vocational-Technical Insti-
27 tute. Southern Maine Vocational-Technical Institute
28 in the City of South Portland; and

29 6. Washington County Vocational-Technical Insti-
30 tute. Washington County Vocational-Technical Insti-
31 tute in the City of Calais.

32 §12561. Accreditation

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1 The vocational-technical institutes may seek ac-
2 creditation and maintain membership in the regional
3 accrediting association, satisfy the requirements
4 necessary to achieve and maintain regional accredita-
5 tion as vocational-technical institutes and meet the
6 requirements necessary for federal aid. Each program
7 of study offered shall meet all of the requirements
8 for professional accreditation or licensing of the
9 particular speciality.

10 §12562. State scholarships at the vocational-tech-
11 nical institutes

12 1. Scholarships. The board shall develop and ad-
13 minister a program of scholarships for students en-
14 rolled at an institute. A student selected to receive
15 a scholarship shall fulfill the following qualifica-
16 tions:

17 A. Show evidence of the qualifications necessary
18 to successfully complete the course of study and
19 to become a competent craftsman in a trade or in-
20 dustrial pursuit;

21 B. Show demonstrated ability and willingness to
22 support the expenses of training; and

23 C. Show demonstrated need of partial financial
24 assistance to pay the cost of attendance at the
25 institute.

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

28 3. National Guard Scholarship Program. Members
29 of the Maine National Guard with over 10 years' con-
30 tinuous service may be awarded scholarships at
31 vocational-technical institutes not to exceed 3 cred-
32 it hours or the equivalent each semester. The guard
33 shall select those who will receive scholarships from
34 among those members eligible for admission to a
35 vocational-technical institute. The program shall be

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1 administered by the board.

2 §12563. Loan fund revolving accounts

3 The board may establish and administer such loan
4 fund revolving accounts as may be approved by the
5 Governor to completely comply with all federal regu-
6 lations and to effectively and efficiently operate
7 the loan programs within vocational-technical insti-
8 tutes. The board shall adopt rules pursuant to Title
9 5, chapter 375, for the giving of loans to students
10 who are in need of financial aid at the
11 vocational-technical institutes, the repayment of the
12 loans or other requirements relative to the loans.
13 Each loan fund revolving account authorized and the
14 specific funds associated with it shall be kept in a
15 separate special account by the Treasurer of State
16 and any repayment of loans made from one of these
17 separate special accounts shall be credited to that
18 separate special account for continued use as a loan
19 fund.

20 §12564. Instructional Projects Revolving Fund

21 The board and commissioner shall administer an
22 Instructional Projects Revolving Fund to aid instruc-
23 tion at state vocational-technical institutes. The
24 fund shall be used to pay necessary costs of projects
25 which are carried out as part of the instructional
26 program. No project may be undertaken unless the fund
27 contains enough money to cover the proposed budget.
28 All money generated through operation of any project
29 shall be put into the fund, shall be continually ap-
30 propriated for use in another instructional project
31 and shall not lapse, except that the total money in
32 the funds shall not exceed \$200,000.

33 §12565. Journeyman's examinations

34 An individual may take a journeyman's examination
35 conducted by the following boards in accordance with
36 the following requirements.

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1 1. Electricians' Examining Board. The individu-
2 al:

3 A. Who has completed satisfactorily a course of
4 instruction certified by the Electricians' Exam-
5 ining Board at a Maine vocational-technical in-
6 stitute may take the journeyman's examination and
7 after passage of the examination and after work-
8 ing in the field of electrical installation for
9 4,000 hours under the supervision of a master
10 electrician or the equivalent, shall receive a
11 journeyman's license. The board shall adopt a
12 written criteria for certification of a course of
13 instruction; or

14 B. Who is enrolled in a course of instruction at
15 a Maine vocational-technical institute on January
16 1, 1982, is entitled to take a journeyman's exam-
17 ination. Upon the successful completion of that
18 course of instruction and after passage of the
19 examination, the student shall receive a
20 journeyman's license.

21 2. Oil and Solid Fuel Board. The individual has
22 completed an approved course of at least 1,000 hours
23 of instruction related to the respective field at a
24 Maine vocational-technical institute, a post-sec-
25 ondary satellite program at a vocational region or
26 vocational center or an equivalent training approved
27 by the Oil and Solid Fuel Board.

28 3. Plumbers' Examining Board. The individual:

29 A. Who has satisfactorily completed one academic
30 year of instruction in plumbing at a Maine
31 vocational-technical institute may take the
32 journeyman's examination and after passage of
33 the examination shall receive a journeyman-in-
34 training license. After a minimum of 2,000 hours
35 of work in the field of plumbing installation as
36 a journeyman-in-training under the supervision of

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1 a master plumber, that person shall receive a
2 journeyman's license, provided that the work ex-
3 perience is obtained within 4 years of the date
4 upon which the individual was issued a
5 journeyman-in-training license; or

6 B. Who is enrolled in a course of instruction in
7 plumbing at a Maine vocational-technical insti-
8 tute on July 1, 1983, shall receive a
9 journeyman's license upon successful completion
10 of that course of instruction and passage of the
11 journeyman's examination.

12 §12566. Annual report

13 The board shall prepare an annual report to be
14 submitted to the joint standing committees of the
15 Legislature having jurisdiction over education and
16 over appropriations and financial affairs by January
17 1st of each year. This report shall include:

18 A. Line-item budget expenditures for the last
19 complete fiscal year and the projected expendi-
20 tures for the fiscal year in which the report is
21 submitted;

22 B. The number of applications for enrollment in
23 the current academic year compared to current
24 student enrollments at each institute and
25 enrollments for the previous 2 years;

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

28 D. A description of activities undertaken to co-
29 ordinate vocational-technical training and educa-
30 tion throughout the State with other training and
31 with other institutions of higher learning;

32 E. A description of any new courses or curricula
33 provided by the institutes;

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

4 G. A list of needs, in order of priority, of the
5 Maine vocational-technical institutes; and

6 H. Any other information deemed significant by
7 the board.

8 §12567. Repayment of bonds

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

16 Sec. 8. 26 MRSA §1021, first ¶, as amended by PL
17 1977, c. 581, §1, is further amended to read:

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

29 Sec. 9. 26 MRSA §1022, sub-§1-C, as amended by
30 PL 1979, c. 602, §5, is repealed and the following
31 enacted in its place:

32 1-C. Vocational-technical institute. "Vocation-
33 al-technical institute" means the Maine
34 vocational-technical institutes and their activities

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1 and functions supervised by the Board of Trustees of
2 the Maine Vocational-technical Institutes or its des-
3 ignee. In furtherance of this chapter, the employment
4 relations, policies and practices throughout the
5 vocational-technical institutes shall be as consist-
6 ent as possible. It is the responsibility of the
7 Board of Trustees of the Maine Vocational-technical
8 Institutes or its designee to negotiate collective
9 bargaining agreements and administer these agree-
10 ments. The Board of Trustees of the Maine
11 Vocational-technical Institutes or its designee is
12 responsible for employer functions of the
13 vocational-technical institutes under this chapter;
14 and shall coordinate its collective bargaining activ-
15 ities with campuses or units on matters of
16 vocational-technical institute concern. In addition
17 to its responsibilities to the public generally, the
18 vocational-technical institutes shall have the spe-
19 cific responsibility of considering and representing
20 the interests and welfare of the students in any ne-
21 gotiations under this chapter. The Board of Trustees
22 of the Maine Vocational-technical Institutes may uti-
23 lize the Office of State Employee Relations for the
24 purposes of this chapter.

25 Sec. 10. 26 MRSA §1022, sub-§3, as amended by PL
26 1975, c. 671, §4, is further amended to read:

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

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

34 11. University, academy or vocational-technical
35 institute employee. "University, academy, or
36 vocational-technical institute ~~or state schools for~~
37 ~~practical nursing~~ employee" means any regular employ-
38 ee of the University of Maine, the Maine Maritime

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1 Academy, or vocational-technical institutes ~~or~~ state
2 ~~schools for practical nursing~~ performing services
3 within a campus or unit, except any person:

4 A. Appointed to office pursuant to statute;

5 B. Appointed by the Board of Trustees as a vice-
6 president, dean, director or member of the
7 chancellor's or superintendent's immediate staff;

8 C. Whose duties necessarily imply a confidential
9 relationship with respect to matters subject to
10 collective bargaining as between such person and
11 the university or the academy; or

12 D. Employed in his initial 6 months of employ-
13 ment.

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

16 §1023. Right of university, academy or vocational-
17 technical institute employees to join labor
18 organizations

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

31 Sec. 13. 26 MRSA §1024-A, sub-§§3 and 5, as en-
32 acted by PL 1979, c. 541, Pt. B, §31, are amended to
33 read:

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1 3. Vocational-technical institutes. It is the
2 express legislative intent to foster meaningful col-
3 lective bargaining for employees of the
4 vocational-technical institutes and state schools for
5 ~~practical nursing~~. Therefore, in accordance with this
6 policy, the bargaining units shall be structured with
7 one unit in each of the following occupational
8 groups:

9 A. Faculty and instructors; and

10 B. Administrative staff.

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

34 Sec. 14. 26 MRSA §1025, as amended by PL 1977,
35 c. 581, §§8 and 9, is further amended to read:

36 §1025. Determination of bargaining agent

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1 1. Voluntary recognition. Any employee organiza-
2 tion may file a request with the university, academy,
3 or vocational-technical institutes ~~or state schools~~
4 ~~for practical nursing~~ alleging that a majority of the
5 university, academy, or vocational-technical insti-
6 tute ~~or state schools for practical nursing~~ employees
7 in an appropriate bargaining unit as established in
8 section 1024, wish to be represented for the purpose
9 of collective bargaining between the university,
10 academy, or vocational-technical institutes ~~or state~~
11 ~~schools for practical nursing~~ and the employees' or-
12 ganization. Such request shall describe the grouping
13 of jobs or positions which constitute the unit
14 claimed to be appropriate and shall include a demon-
15 stration of majority support. Such request for rec-
16 ognition shall be granted by the university, academy,
17 or vocational-technical institutes ~~or state schools~~
18 ~~for practical nursing~~ unless the university, academy,
19 or vocational-technical institutes ~~or state schools~~
20 ~~for practical nursing~~ desires that an election deter-
21 mine whether the organization represents a majority
22 of the members in the bargaining unit. In the event
23 that the request for recognition is granted by the
24 university, academy, or vocational-technical insti-
25 tutes ~~or state schools for practical nursing~~, the ex-
26 ecutive director shall certify the organization so
27 recognized as the bargaining agent.

28 2. Elections.

29 A. The executive director of the board, upon
30 signed request of the university, academy, or
31 vocational-technical institutes ~~or state schools~~
32 ~~for practical nursing~~ alleging that one or more
33 university, academy, or vocational-technical in-
34 stitutes ~~or state schools for practical nursing~~
35 employees or employee organizations have pre-
36 sented to it a claim to be recognized as the rep-
37 resentative of a bargaining unit of university,
38 academy, or vocational-technical institute ~~or~~
39 ~~state schools for practical nursing~~ employees, or
40 upon signed petition of at least 30% of a bar-

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1 gaining unit of university, academy, or
2 vocational-technical institutes' ~~or state schools~~
3 ~~for practical nursing~~ employees that they desire
4 to be represented by an organization, shall con-
5 duct a secret ballot election to determine wheth-
6 er the organization represents a majority of the
7 members of the bargaining unit.

8 B. The ballot shall contain the name of such or-
9 ganization and that of any other organization
10 showing written proof of at least 10% representa-
11 tion of the university, academy, or
12 vocational-technical institute ~~or state schools~~
13 ~~for practical nursing~~ employees within the unit,
14 together with a choice for any university, acade-
15 my, or vocational-technical institutes ~~or state~~
16 ~~schoools for practical nursing~~ employee to desig-
17 nate that he does not desire to be represented by
18 any bargaining agent. Where more than one organi-
19 zation is on the ballot, and no one of the 3 or
20 more choices receives a majority vote of the uni-
21 versity, academy, or vocational-technical insti-
22 tute ~~or state schools for practical nursing~~ em-
23 ployees voting, a run-off election shall be held.
24 The run-off ballot shall contain the 2 choices
25 which received the largest and 2nd largest number
26 of votes. When an organization receives the ma-
27 jority of votes of those voting, the executive
28 director shall certify it as the bargaining
29 agent. The bargaining agent certified as repre-
30 senting a bargaining unit shall be recognized by
31 the university, academy, or vocational-technical
32 institutes ~~or state schools for practical nursing~~
33 as the sole and exclusive bargaining agent for
34 all of the employees in the bargaining unit un-
35 less and until a decertification election by se-
36 cret ballot shall be held and the bargaining
37 agent declared by the executive director as not
38 representing a majority of the unit.

39 C. Whenever 30% of the employees in a bargaining
40 unit petition for a bargaining agent to be

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1 decertified, the procedures for conducting an
2 election on the question shall be the same as for
3 representation as bargaining agent hereinbefore
4 set forth.

5 D. No question concerning representation may be
6 raised within one year of a certification or at-
7 tempted certification. Where there is a valid
8 collective bargaining agreement in effect, no
9 question concerning unit or representation may be
10 raised except during the period not more than 90
11 nor less than 60 days prior to the expiration
12 date of the agreement.

13 Sec. 15. 26 MRSA §1026, sub-§1, as amended by PL
14 1983, c. 127, is further amended to read:

15 1. Negotiations. It shall be the obligation of
16 the university, academy, or vocational-technical in-
17 stitutes ~~or state schools for practical nursing~~ and
18 the bargaining agent to bargain collectively. "Col-
19 lective bargaining" means, for the purpose of this
20 chapter, their mutual obligation:

21 A. To meet at reasonable times;

22 B. To meet within 10 days after receipt of writ-
23 ten notice from the other party requesting a
24 meeting for collective bargaining purposes, pro-
25 vided the parties have not otherwise agreed in a
26 prior written contract;

27 C. To confer and negotiate in good faith with
28 respect to wages, hours, working conditions and
29 contract grievance arbitration, except that by
30 such obligation neither party shall be compelled
31 to agree to a proposal or be required to make a
32 concession;

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

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1 E. To participate in good faith in the media-
2 tion, fact finding and arbitration procedures re-
3 quired by this section.

4 Cost items in any collective bargaining agreement of
5 vocational-technical institutes ~~or state schools for~~
6 ~~practical nursing~~ employees shall be submitted for
7 inclusion in the Governor's next operating budget
8 within 10 days after the date on which the agreement
9 is ratified by the parties. If the Legislature re-
10 jects any of the cost items submitted to it, all cost
11 items submitted shall be returned to the parties for
12 further bargaining. Cost items shall include sala-
13 ries, pensions and insurance.

14 Sec. 16. 26 MRSA §1026, sub-§4, ¶C, as amended
15 by PL 1977, c. 581, §§12 and 13, is further amended
16 to read:

17 C. In reaching a decision under this section,
18 the arbitrators shall consider the following fac-
19 tors:

20 (1) The interests and welfare of the stu-
21 dents and the public and the financial abil-
22 ity of the university, academy, ~~or~~
23 vocational-technical institutes ~~or state~~
24 ~~schools for practical nursing~~ to finance the
25 cost items proposed by each party to the im-
26 passe;

27 (2) Comparison of the wages, hours and
28 working conditions of the employees involved
29 in the arbitration proceeding with the
30 wages, hours and working conditions of other
31 employees performing similar services in
32 public and private employment competing in
33 the same labor market;

34 (3) The over-all compensation presently re-
35 ceived by the employees, including direct

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1 salary and wage compensation, vacation, hol-
2 idays, life and health insurance, retirement
3 and all other benefits received;

4 (4) Such other factors not confined to the
5 foregoing, which are normally and
6 traditionally taken into consideration in
7 the resolution of disputes involving similar
8 subjects of collective bargaining in public
9 higher education;

10 (5) The need of the university, academy, or
11 vocational-technical institutes ~~or state~~
12 ~~schools for practical nursing~~ for qualified
13 employees;

14 (6) Conditions of employment in similar oc-
15 cupations outside the university, academy,
16 ~~or vocational-technical institutes or state~~
17 ~~schools for practical nursing~~;

18 (7) The need to maintain appropriate rela-
19 tionships between different occupations in
20 the university, academy, ~~or~~
21 vocational-technical institutes ~~or state~~
22 ~~schools for practical nursing~~; and

23 (8) The need to establish fair and reason-
24 able conditions in relation to job qualifi-
25 cations and responsibilities.

26 Sec. 17. 26 M RSA §1027, sub-§1, as amended by PL
27 1977, c. 581, §14, is further amended to read:

28 1. University, academy and vocational-technical
29 institutes prohibitions. The university, its repre-
30 sentatives and agents, the academy, its representa-
31 tives and agents, and the vocational-technical insti-
32 tutes, their representatives and agents ~~and the state~~
33 ~~schools for practical nursing, their representatives~~
34 ~~and agents~~ are prohibited from:

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1 A. Interfering with, restraining or coercing em-
2 ployees in the exercise of the rights guaranteed
3 in section 1023;

4 B. Encouraging or discouraging membership in any
5 employee organization by discrimination in regard
6 to hire or tenure of employment or any term or
7 condition of employment;

8 C. Dominating or interfering with the formation,
9 existence or administration of any employee orga-
10 nization;

11 D. Discharging or otherwise discriminating
12 against an employee because he has signed or
13 filed any affidavit, petition or complaint or
14 given any information or testimony under this
15 chapter;

16 E. Refusing to bargain collectively with the
17 bargaining agent of its employees as required by
18 section 1026; or

19 F. Blacklisting of any employee organization or
20 its members for the purpose of denying them em-
21 ployment.

22 Sec. 18. 26 MRSA §1027, sub-§2, as repealed and
23 replaced by PL 1977, c. 581, §15, is amended to
24 read:

25 2. University, academy and vocational-technical
26 institutes prohibitions. University employees, uni-
27 versity employee organizations, their agents, members
28 and bargaining agents; academy employees, academy em-
29 ployee organizations, their agents, members and bar-
30 gaining agents; and vocational-technical institute
31 employees, vocational-technical institute employee
32 organizations, their agents, members and bargaining
33 agents; and state schools for practical nursing em-
34 ployees; state schools for practical nursing employee
35 organizations; their agents, members and bargaining

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1 agents are prohibited from:

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

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

13 C. Engaging in:

14 (1) A work stoppage, slowdown or strike;
15 and

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

21 Sec. 19. 26 MRSA §1029, sub-§1, as amended by PL
22 1977, c. 581, §16, is further amended to read:

23 1. Board power to prevent prohibited acts. The
24 board is empowered, as provided, to prevent any per-
25 son, the university, any university employee, any
26 university employee organizations, the academy, any
27 academy employees, any academy employee organiza-
28 tions, the vocational-technical institutes, any
29 vocational-technical institute employee, any
30 vocational-technical institute employee organiza-
31 tions; the state schools for practical nursing; any
32 state schools for practical nursing employee; any
33 state schools for practical nursing employee
34 organizations or any bargaining agent from engaging
35 in any of the prohibited acts enumerated in section

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1 1027. This power shall not be affected by any other
2 means of adjustment or prevention that has been or
3 may be established by agreement, law or otherwise.

4 Sec. 20. 26 MRSA §1029, sub-§2, as amended by PL
5 1977, c. 581, §17, is further amended to read:

6 2. Complaints. The university, any university
7 employee, any university employee organization, the
8 academy, any academy employee, any academy employee
9 organization, the vocational-technical institutes,
10 any vocational-technical institute employee, any
11 vocational-technical institute employee organization,
12 ~~the state schools for practical nursing, any state~~
13 ~~school for practical nursing employee, any state~~
14 ~~school for practical nursing employee organization~~ or
15 any bargaining agent which believes that any person,
16 the university, any university employee, any univer-
17 sity employee organization, the academy, any academy
18 employee, any academy employee organization, the
19 vocational-technical institutes, any vocational-
20 technical institute employee, any vocational-tech-
21 nical institute employee organization, ~~the state~~
22 ~~schools for practical nursing, any state school for~~
23 ~~practical nursing employee, any state school for~~
24 ~~practical nursing employee organization~~ or any bar-
25 gaining agent has engaged in or is engaging in any
26 such prohibited practice may file a complaint with
27 the executive director of the board stating the
28 charges in that regard. No such complaint shall be
29 filed with the executive director until the complain-
30 ing party shall have served a copy thereof upon the
31 party named in the complaint. Upon receipt of such
32 complaint, the executive director or his designee
33 shall review the charge to determine whether the
34 facts as alleged may constitute a prohibited act. If
35 it is determined that the facts do not, as a matter
36 of law, constitute a violation, the charge shall be
37 dismissed by the executive director, subject to re-
38 view by the board. If a formal hearing is deemed nec-
39 essary by the executive director or by the board, the
40 executive director shall serve upon the parties to

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1 the complaint a notice of the prehearing conference
2 and of the hearing for the prehearing conference or
3 the hearing, as appropriate, provided that no hearing
4 shall be held based upon any alleged prohibited prac-
5 tice occurring more than 6 months prior to the filing
6 of the complaint with the executive director. The
7 party complained of shall have the right to file a
8 written answer to the complaint and to appear in per-
9 son or otherwise and give testimony at the place and
10 time fixed for the hearing. In the discretion of the
11 board, any other person or organization may be al-
12 lowed to intervene in that proceeding and to present
13 testimony. Nothing in this subsection shall may re-
14 strict the right of the board to require the execu-
15 tive director or his designee to hold a prehearing
16 conference on any prohibited practice complaint prior
17 to the hearing before the board and taking whatever
18 action, including dismissal, attempting to resolve
19 disagreements between the parties or recommending an
20 order to the board, as he may deem appropriate, sub-
21 ject to review by the board.

22 Sec. 21. 26 MRSA §1029, sub-§6, as repealed and
23 replaced by PL 1977, c. 581, §18, is amended to read:

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

39 Sec. 22. 26 MRSA §1031, as amended by PL 1977,

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1 c. 581, §19, is further amended to read:

2 §1031. Scope of binding contract arbitration

3 A collective bargaining agreement between the
4 university, the academy, the vocational-technical in-
5 stitutes ~~or the state schools for practical nursing~~
6 and a bargaining agent may provide for binding arbi-
7 tration as the final step of a grievance procedure
8 but the only grievances which may be taken to such
9 binding arbitration shall be disputes between the
10 parties as to the meaning or application of the spe-
11 cific terms of collective bargaining agreement. An
12 arbitrator with the power to make binding decisions
13 pursuant to any such provisions shall have no author-
14 ity to add to, subtract from or modify the collective
15 bargaining agreement.

16 Sec. 23. 26 MRSA §1034, sub-§2, as amended by PL
17 1977, c. 581, §20, is further amended to read:

18 2. No restriction on eligibility for federal
19 grant-in-aid or assistance programs. Nothing in this
20 chapter or any contract negotiated pursuant to this
21 chapter ~~shall~~ may in any way be interpreted or al-
22 lowed to restrict or impair the eligibility of the
23 university, any of its campuses or units, academy, or
24 vocational-technical institutes ~~or state schools for~~
25 ~~practical nursing~~ in obtaining the benefits under any
26 federal grant-in-aid or assistance programs.

27 Sec. 24. 26 MRSA c. 13, sub-c. IX, as amended,
28 is repealed.

29 Sec. 25. Transition provision. The Governor may
30 appoint an executive director and members to the
31 board of trustees prior to the effective date of this
32 Act. The powers and duties of the board shall not
33 take effect until the effective date of this Act.

34 1. Funds transferred. Notwithstanding the Maine
35 Revised Statutes, Title 5, sections 1585 and 1586,

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1 all accrued expenditures, assets, liabilities, bal-
2 ances or allocations, transfers, revenues or other
3 available funds in any account or subdivision of an
4 account of the Bureau of Vocational Education and
5 authorized for use by or for the vocational-technical
6 institutes shall be reallocated to the Maine
7 vocational-technical institutes.

8 2. 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 shall remain in effect until
12 rescinded or amended by the Board of Trustees of the
13 Maine Vocational-technical Institutes.

14 3. Equipment and property transferred. All
15 equipment and property of the vocational-technical
16 institutes shall remain with the Maine
17 vocational-technical institutes, unless the board au-
18 thORIZES a different policy.

19 4. Contracts and agreements. All contracts and
20 agreements currently in effect with the Bureau of Vo-
21 cational Education and contracts relating to the
22 vocational-technical institutes shall remain in ef-
23 fect following the effective date of this Act until
24 rescinded, terminated or modified by the Board of
25 Trustees of the Maine Vocational-technical Insti-
26 tutes.

27 5. Location of board. The Board of Trustees of
28 the Maine Vocational-technical Institutes as created
29 by the Maine Revised Statutes, Title 20-A, section
30 12553, shall be located at the present location of
31 the Bureau of Vocational Education following the ef-
32 fective date of this Act, unless the board of trust-
33 ees agrees to a new location.

34 6. Employees. Employees of the Bureau of Voca-
35 tional Education and the vocational-technical insti-
36 tutes shall remain as members within the Maine State
37 Retirement System during their tenure in the adminis-

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1 tration. New employees shall also be eligible for
2 membership in the Maine State Retirement System.

3 7. Board of trustees review operation. The
4 board of trustees shall review the operation of the
5 Maine vocational-technical institutes and shall re-
6 port its findings and recommendations to the Legisla-
7 ture at the completion of one full year of operation.

8 Sec. 26. Effective date. This Act shall take
9 effect on January 1, 1986.

10 STATEMENT OF FACT

11 This amendment makes a number of technical and
12 administrative changes to the original bill.

13 This amendment establishes a board of trustees
14 separate from the State Board of Education to govern
15 the vocational-technical institutes. The board of
16 trustees proposed by this amendment will be able to
17 focus 100% of its time and effort on the
18 vocational-technical institutes.

19 This amendment retains the vocational-technical
20 institutes within the Department of Educational and
21 Cultural Services. Unlike the original bill which
22 proposed to study ways to provide flexibility for the
23 institutes with respect to the budget and personnel
24 of the vocational-technical institutes, this amend-
25 ment achieves some of the flexibility needed by the
26 institutes to achieve their purposes. This amendment
27 establishes a lump sum appropriation for the insti-
28 tutes to be expended by the board. The board will
29 prepare a line-item budget for the Legislature, but
30 the board will have the authority to allocate and
31 transfer funds as the situation requires.

32 In addition, the amendment requires the Commis-
33 sioner of Personnel to establish procedures and poli-
34 cies no later than July 1, 1986, by which personnel

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1 and positions may be abolished, created or trans-
2 ferred expeditiously. The Commissioner of Personnel
3 is required to consult with the board of trustees in
4 formulating the policies and procedures. In addi-
5 tion, the policies and procedures are required to en-
6 able the institutes to respond quickly and effective-
7 ly to private sector job-training and job skill needs
8 for both the short term and long term.

9 The traditional approach to vocational education
10 at the institutes will be changing in order to meet
11 the needs of industry and the worker. A board of
12 trustees oriented exclusively to vocational education
13 at the institutes will have the time and the ability
14 to facilitate the necessary changes. The
15 vocational-technical institutes need flexibility and
16 resources to enable the institutes to meet the chal-
17 lenges of the future and play a viable role in the
18 rapidly changing economic systems of the State and
19 the nation.

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4192060785

Filed by Rep. Gwadosky of Fairfield
Reproduced and distributed under the direction of the
Clerk of the House

6/13/85

(Filing No. H-399)