

MAINE STATE LEGISLATURE

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L.D. 1645
(Filing No. H- 422)

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

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

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Amend the bill by inserting before the enacting clause the following:

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

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Whereas, it is essential that the Department of Personnel, Department of Finance and Administration, Department of Educational and Cultural Services and the new Board of Trustees of the Maine Vocational-technical Institutes immediately undertake a comprehensive evaluation and study of providing flexibility for the operation of the vocational-technical institutes and report enabling legislation to the Second Regular Session of the 112th Legislature; and

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

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

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'Sec. 1. 5 MRSA §1507, sub-§4-A, as enacted by PL 1979, c. 602, §2, is amended to read:

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4-A. Vocational-technical institutes. The Gover-

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

10 Sec. 2. 5 MRSA §12004, sub-§8, ¶A, sub-¶(4-A) is
11 enacted to read:

12	<u>(4-A) Education</u>	<u>Board of Trustees-</u>	<u>Expenses</u>	<u>20-A MRSA</u>
13		<u>Maine Vocational-</u>	<u>only</u>	<u>§12553</u>
14		<u>technical Insti-</u>		
15		<u>tutes</u>		

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

18 Sec. 4. 20-A MRSA c. 403, as amended, is re-
19 pealed.

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

21 CHAPTER 429

22 ADMINISTRATION OF THE MAINE
23 VOCATIONAL-TECHNICAL INSTITUTES

24 §12551. Purpose and mission

25 In order to enjoy the blessings of domestic tran-
26 quility, liberty and justice, a society must recog-
27 nize and valiantly strive to develop its greatest re-
28 source which is the citizens of the State. A society
29 can only flourish and prosper if the citizens have
30 the opportunity to achieve self-fulfillment, a sense
31 of pride in themselves and their accomplishments and

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1 the ability to achieve for the common good.

2 The purpose and mission of post-secondary
3 vocational-technical education in the State, there-
4 fore, is to provide the means by which persons may
5 acquire knowledge and skills to grow and adapt to the
6 changing needs of the State's economy and to success-
7 fully live in and contribute to a highly complex and
8 dynamic society.

9 In order to promote the general welfare, secure
10 the fruits of prosperity and ultimately contribute to
11 the happiness of the citizenry, it is necessary to
12 provide the State with working people who are consci-
13 entious, productive, well-informed, adaptable in mind
14 and in skills and who possess a sense of
15 self-awareness and social responsibility. To accom-
16 plish these just and noble goals,
17 vocational-technical education in the State must be
18 directed to meet specific objectives.

19 1. Objectives. The objectives include:

20 A. Anticipation of future economic development
21 needs of the State and preparation of the State's
22 labor force to expeditiously meet these needs;

23 B. Coordination of economic development policy
24 with vocational-technical education and training;

25 C. Creation of a skilled but flexible and adapt-
26 able labor force which is responsive to the labor
27 needs of the State's economy;

28 D. The opportunity for Maine workers to be
29 retrained in new skills that are in demand;

30 E. Responsiveness of vocational-technical educa-
31 tion not only to the economic needs of the State,
32 but also to regional and local needs;

33 F. Expeditious adaption to changing requirements

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1 and needs, not only by the vocational-technical
2 institutes but also by the labor force, through
3 training and educational programs offered at the
4 institutes and at other convenient and accessible
5 locations; and

6 G. Coordination of training and educational pro-
7 grams and personnel with the several institutions
8 of higher learning in the State.

9 2. Maine vocational-technical institutes; goals.
10 In addition to the objectives and goals as estab-
11 lished in this section, the board of trustees and the
12 commissioner shall:

13 A. Cooperate closely with the private sector to
14 provide both short-term training to meet private
15 sector needs and longer-term education and train-
16 ing necessary for various occupations;

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

23 C. Coordinate the activities of the institutes
24 with the programs of the Department of Education-
25 al and Cultural Services, Division of Adult and
26 Continuing Education;

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

31 E. Provide each graduate with job skills and an
32 understanding of how to adapt these skills to
33 changing technology and a changing economy;

34 F. Provide the general education necessary to

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1 complement the requirements of specific vocation-
2 al and technical skills;

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

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

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

16 §12552. Definitions

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

20 1. Board. "Board" means the Board of Trustees of
21 the Maine Vocational-technical Institutes.

22 2. Commissioner. "Commissioner" means the Com-
23 missioner of Educational and Cultural Services.

24 3. Director. "Director" means the director of a
25 vocational-technical institute, as established in
26 section 12558.

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

29 §12553. Board of Trustees of the Maine
30 Vocational-technical Institute

31 The Board of Trustees of the Maine

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1 Vocational-technical Institutes, established pursuant
2 to Title 5, section 12004, subsection 8, shall be the
3 policy-making authority of the vocational-technical
4 institutes.

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

8 A. Two from the field of business and industry;

9 B. One from the field of labor;

10 C. Four from the State Board of Education;

11 D. One from the Board of Trustees of the Univer-
12 sity of Maine;

13 E. One person from the general public who has
14 demonstrated great interest in vocational educa-
15 tion;

16 F. The Commissioner of Educational and Cultural
17 Services, who shall serve as an ex officio, non-
18 voting member; and

19 G. The Director of the State Development Office
20 who shall serve as an ex officio, nonvoting mem-
21 ber.

22 2. Appointment; terms. The voting members of the
23 board of trustees shall be appointed by the Governor
24 to 4-year terms of office, subject to review by the
25 joint standing committee of the Legislature having
26 jurisdiction over education and to confirmation by
27 the Legislature. Of the members initially appointed
28 to the board, 2 shall be appointed for one year, 3
29 shall be appointed for 2 years, 2 shall be appointed
30 for 3 years and 2 shall be appointed for 4 years. No
31 classified or unclassified employee of the State or
32 person who holds elected state office may serve on
33 the board of trustees. Vacancies on the board of

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1 trustees shall be filled for the unexpired term only.
2 A member shall serve until a successor has been ap-
3 pointed and qualified. The Governor may remove any
4 member for cause.

5 A. The members of the board of trustees shall be
6 appointed by August 15, 1985.

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

11 4. Chairman. The Governor shall appoint the
12 chairman annually. A chairman shall be eligible for
13 reappointment.

14 5. Meetings. The board shall meet at least once
15 a month and at the call of the chairman or at the re-
16 quest of a majority of the members of the board.

17 6. Quorum. A quorum shall consist of 5 voting
18 members and the board shall not conduct any official
19 business without a quorum present and voting.

20 §12554. Board of trustees; powers and duties

21 The board of trustees shall have the following
22 powers and duties:

23 1. Policy. Develop and adopt policies for the
24 operation of the administration and the
25 vocational-technical institutes;

26 2. Administrative responsibility. Oversee the
27 administration of the vocational-technical insti-
28 tutes;

29 3. Prepare and adopt a budget. Prepare and adopt
30 a budget to include the board and
31 vocational-technical institutes for submission to the
32 Governor and Legislature. The budget may contain pro-

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1 visions for construction, renovation and reconstruc-
2 tion projects;

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

13 5. Approval of programs and policies. Approve or
14 disapprove programs and policies recommended by the
15 commissioner and the directors of the institutes;

16 6. Establish and oversee the operation of the
17 vocational-technical institutes. Establish and over-
18 see the operation of the vocational-technical insti-
19 tutes to promote specialized training for persons who
20 give evidence of special aptitude or need and who de-
21 sire specialized training designed specifically to
22 train for service in trade, industry or commerce. The
23 training and education, as authorized by this section
24 shall be directed toward the goals, objectives and
25 purpose set forth in section 12551.

26 A. The board shall provide for the offering of
27 short-term training to meet the needs of the pri-
28 vate sector and for longer-term training and edu-
29 cation.

30 B. The board shall also provide for continuing
31 education courses by which persons may update
32 their skills or change their skills as technology
33 and the State's economy change;

34 7. Offer courses of study and degrees. Offer
35 courses of study; grant diplomas and certificates on

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1 completion of a course of study; confer associate de-
2 grees based on 2 years of instruction; and establish
3 qualifications for admission;

4 8. Approve the commissioner's appointments of
5 directors and assistant directors of
6 vocational-technical institutes. Approve the commis-
7 sioner's appointments of the directors and assistant
8 directors of the vocational-technical institutes who
9 shall serve at the pleasure of the commissioner;

10 9. Delegate duties and responsibilities. Dele-
11 gate duties and responsibilities as the board deems
12 necessary for the efficient operation of this chap-
13 ter; and

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

17 §12555. Duties and responsibilities of the commis-
18 sioner

19 The commissioner shall implement the policies of
20 the board and be responsible for the day-to-day oper-
21 ation of the Maine vocational-technical institutes.
22 The commissioner shall have the following powers and
23 duties:

24 1. Investigate complaints. To investigate com-
25 plaints and problems relating to the administration
26 of the institutes and inform the board of any activi-
27 ties necessary to resolve any problems;

28 2. Undertake research and issue reports. To un-
29 dertake research and issue reports to the board, the
30 Governor and the Legislature as directed by the
31 board;

32 3. Assist in the preparation of the budget. To
33 assist in the preparation of a budget for the admin-
34 istration and operation of the institutes to be ap-

1 proved by the board prior to submission to the Govern-
2 nor;

3 4. Oversee the staff of Maine
4 vocational-technical institutes and the administra-
5 tion of the institutes. To oversee the staff of the
6 Maine vocational-technical institutes and the admin-
7 istration of the institutes;

8 5. Undertake any and all duties delegated to the
9 commissioner by the board. To undertake any and all
10 duties delegated to the commissioner by the board;

11 6. Approve and appoint other personnel. To ap-
12 point directors and assistant directors of the insti-
13 tutes, subject to approval by the board and to ap-
14 prove appointments made by the directors of the in-
15 stitutes as provided in section 12556;

16 7. Promote cooperation and communication. To
17 promote cooperation and communication with the Uni-
18 versity of Maine system;

19 8. Undertake long-range planning. To undertake
20 long-range planning to include construction,
21 renovation and reconstruction projects and report his
22 findings and recommendations to the board;

23 9. Promote cooperation among the institutes. To
24 promote cooperation among the institutes and prepare
25 plans for board approval with respect to the coordi-
26 nation of programs, activities and personnel among
27 the institutes;

28 10. Provide direction to institutes. Develop po-
29 licies, procedures, goals and objectives to be ap-
30 proved by the board with respect to the operation of
31 the institutes. The commissioner shall meet regularly
32 with the directors of the institutes to develop these
33 policies and goals and to assist the directors in
34 their duties;

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1 11. Work with state agencies. Work closely with
2 other state agencies that have an impact upon voca-
3 tional education to promote consistent and coordi-
4 nated policies, procedures and programs;

5 12. Implement the mission and purpose of this
6 chapter. Implement the mission and purpose set forth
7 in section 12551;

8 13. Work closely with the private sector. Work
9 closely with the private sector in order to insure
10 that the vocational-technical institutes respond ex-
11 peditionally to the needs of the private sector and
12 the State's economy, particularly with respect to
13 changing technology, industries and job needs; and

14 14. Delegate responsibilities. Delegate respon-
15 sibilities and duties as necessary to administer this
16 chapter.

17 §12556. Directors of institutes

18 The board, following consideration of the recom-
19 mendations of the commissioner, shall approve the ap-
20 pointment of directors of the vocational-technical
21 institutes. The directors shall be qualified by edu-
22 cation and experience.

23 1. Administration of institutes. The directors
24 shall be responsible for the administration of the
25 institutes under the direction of the commissioner.
26 The directors shall cooperate to provide vocational
27 education and training that best meets the needs of
28 the students, the private sector and the changing
29 economy of the State. The directors shall administer
30 the vocational-technical institutes consistent with
31 the purpose and mission set forth in section 12551.

32 2. Make recommendations. The director of each
33 institute may make recommendations to the commission-
34 er with respect to the administration of the insti-

1 tute, courses of training and curricula, coordination
2 of programs with other institutes and with other in-
3 stitutions of higher learning and any other matter
4 requested by the commissioner.

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

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

20 B. The board may adopt the provisions of Title
21 30, section 2151, subsection 3, paragraph A, re-
22 lating to prima facie evidence and the establish-
23 ment of a waiver of court action by payment of
24 specified fees.

25 4. Advisory committees. The director may also
26 appoint advisory committees to advise the director of
27 the institute on the development and operation of ac-
28 ademic programs at the vocational-technical insti-
29 tute.

30 §12557. Name and program of vocational-technical in-
31 stitutes

32 The program of the vocational-technical insti-
33 tutes shall be designed to educate and prepare quali-
34 fied high school graduates, or the equivalent, in ac-
35 cordance with the purpose set forth in section 12551.
36 The names of the vocational-technical institutes

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1 shall be:

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

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

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

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

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

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

20 §12558. Accreditation

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

30 §12559. State scholarships at the vocational-tech-
31 anical institutes

32 1. Scholarships. The board shall develop and ad-

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1 minister a program of scholarships for students en-
2 rolled at an institute. A student selected to receive
3 a scholarship shall fulfill the following qualifica-
4 tions:

5 A. Show evidence of the qualifications necessary
6 to successfully complete the course of study and
7 to become a competent craftsman in a trade or in-
8 dustrial pursuit;

9 B. Show demonstrated ability and willingness to
10 support the expenses of training; and

11 C. Show demonstrated need of partial financial
12 assistance to pay the cost of attendance at the
13 institute.

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

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

25 §12560. Loan fund revolving accounts

26 The board may establish and administer such loan
27 fund revolving accounts as may be approved by the
28 Governor to completely comply with all federal regu-
29 lations and to effectively and efficiently operate
30 the loan programs within vocational-technical insti-
31 tutes. The board shall adopt rules pursuant to Title
32 5, chapter 375, for the giving of loans to students
33 who are in need of financial aid at the
34 vocational-technical institutes, the repayment of the
35 loans or other requirements relative to the loans.

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1 Each loan fund revolving account authorized and the
2 specific funds associated with it shall be kept in a
3 separate special account by the Treasurer of State
4 and any repayment of loans made from one of these
5 separate special accounts shall be credited to that
6 separate special account for continued use as a loan
7 fund.

8 §12561. Instructional Projects Revolving Fund

9 The board and commissioner shall administer an
10 Instructional Projects Revolving Fund to aid instruc-
11 tion at state vocational-technical institutes. The
12 fund shall be used to pay necessary costs of projects
13 which are carried out as part of the instructional
14 program. No project may be undertaken unless the fund
15 contains enough money to cover the proposed budget.
16 All money generated through operation of any project
17 shall be put into the fund, shall be continually ap-
18 propriated for use in another instructional project
19 and shall not lapse, except that the total money in
20 the funds shall not exceed \$200,000.

21 §12562. Journeyman's examinations

22 An individual may take a journeyman's examination
23 conducted by the following boards in accordance with
24 the following requirements.

25 1. Electricians' Examining Board. The individu-
26 al:

27 A. Who has completed satisfactorily a course of
28 instruction certified by the Electricians' Exam-
29 ining Board at a Maine vocational-technical in-
30 stitute may take the journeyman's examination and
31 after passage of the examination and after work-
32 ing in the field of electrical installation for
33 4,000 hours under the supervision of a master
34 electrician or the equivalent, shall receive a
35 journeyman's license. The board shall adopt a
36 written criteria for certification of a course of

1 instruction; or

2 B. Who is enrolled in a course of instruction at
3 a Maine vocational-technical institute on January
4 1, 1982, is entitled to take a journeyman's exam-
5 ination. Upon the successful completion of that
6 course of instruction and after passage of the
7 examination, the student shall receive a
8 journeyman's license.

9 2. Oil and Solid Fuel Board. The individual has
10 completed an approved course of at least 1,000 hours
11 of instruction related to the respective field at a
12 Maine vocational-technical institute, a post-sec-
13 ondary satellite program at a vocational region or
14 vocational center or an equivalent training approved
15 by the Oil and Solid Fuel Board.

16 3. Plumbers' Examining Board. The individual:

17 A. Who has satisfactorily completed one academic
18 year of instruction in plumbing at a Maine
19 vocational-technical institute may take the
20 journeyman's examination and after passage of
21 the examination shall receive a journeyman-in-
22 training license. After a minimum of 2,000 hours
23 of work in the field of plumbing installation as
24 a journeyman-in-training under the supervision of
25 a master plumber, that person shall receive a
26 journeyman's license, provided that the work ex-
27 perience is obtained within 4 years of the date
28 upon which the individual was issued a
29 journeyman-in-training license; or

30 B. Who is enrolled in a course of instruction in
31 plumbing at a Maine vocational-technical insti-
32 tute on July 1, 1983, shall receive a
33 journeyman's license upon successful completion
34 of that course of instruction and passage of the
35 journeyman's examination.

36 §12563. Annual report

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- 1 1. Operation of the institutes. The board shall
2 prepare an annual report to be submitted to the joint
3 standing committees of the Legislature having juris-
4 isdiction over education and over appropriations and
5 financial affairs by January 1st of each year. This
6 report shall include:
- 7 A. Line-item budget expenditures for the last
8 complete fiscal year and the projected expendi-
9 tures for the fiscal year in which the report is
10 submitted;
- 11 B. The number of applications for enrollment in
12 the current academic year compared to current
13 student enrollments at each institute and
14 enrollments for the previous 2 years;
- 15 C. Current student enrollments by type of pro-
16 gram offered at each institute;
- 17 D. A description of activities undertaken to co-
18 ordinate vocational-technical training and educa-
19 tion throughout the State with other training and
20 with other institutions of higher learning;
- 21 E. A description of any new courses or curricula
22 provided by the institutes;
- 23 F. A description and analysis of job placement
24 of graduates of the vocational-technical insti-
25 tutes;
- 26 G. A list of needs, in order of priority, of the
27 Maine vocational-technical institutes; and
- 28 H. Any other information deemed significant by
29 the board.
- 30 §12564. Repayment of bonds
- 31 The Treasurer of State, in consultation with the

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1 board, shall establish for each institute a rate at
2 which money generated by room and board charges at
3 each institute shall be allocated for the repayment
4 of bond principal and interest incurred by the con-
5 struction of dormitories and other facilities at each
6 institute.

7 Sec. 6. 26 MRSA §1021, first ¶, as amended by PL
8 1977, c. 581, §1, is further amended to read:

9 It is declared to be the public policy of this
10 State and it is the purpose of this chapter to pro-
11 mote the improvement of the relationship between pub-
12 lic employers and their employees by providing a uni-
13 form basis for recognizing the right of the Universi-
14 ty of Maine employees, Maine Maritime Academy employ-
15 ees, and vocational-technical institute employees and
16 state schools for practical nursing employees to join
17 labor organizations of their own choosing and to be
18 represented by such organizations in collective bar-
19 gaining for terms and conditions of employment.

20 Sec. 7. 26 MRSA §1022, sub-§11, as amended by PL
21 1979, c. 602, §5, is further amended to read:

22 11. University, academy or vocational-technical
23 institute employee. "University, academy, or
24 vocational-technical institute or state schools for
25 practical nursing employee" means any regular employ-
26 ee of the University of Maine, the Maine Maritime
27 Academy, or vocational-technical institutes or state
28 schools for practical nursing performing services
29 within a campus or unit, except any person:

30 A. Appointed to office pursuant to statute;

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

34 C. Whose duties necessarily imply a confidential
35 relationship with respect to matters subject to

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1 collective bargaining as between such person and
2 the university or the academy; or

3 D. Employed in his initial 6 months of employ-
4 ment.

5 Sec. 8. 26 MRSA §1023, as repealed and replaced
6 by PL 1977, c. 581, §4, is amended to read:

7 §1023. Right of university, academy or vocational-
8 technical institute employees to join labor
9 organizations

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

22 Sec. 9. 26 MRSA §1024-A, sub-§§3 and 5, as en-
23 acted by PL 1979, c. 541, Pt. B, §31, are amended to
24 read:

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

33 A. Faculty and instructors; and

34 B. Administrative staff.

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

24 Sec. 10. 26 MRSA §1025, as amended by PL 1977,
25 c. 581, §§8 and 9, is further amended to read:

26 §1025. Determination of bargaining agent

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

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

16 2. Elections.

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

36 B. The ballot shall contain the name of such or-
37 ganization and that of any other organization
38 showing written proof of at least 10% representa-
39 tion of the university, academy, or

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1 vocational-technical institute ~~or state schools~~
2 ~~for practical nursing~~ employees within the unit,
3 together with a choice for any university, acad-
4 ~~my, or vocational-technical institutes or state~~
5 ~~schools for practical nursing~~ employee to desig-
6 nate that he does not desire to be represented by
7 any bargaining agent. Where more than one organi-
8 zation is on the ballot, and no one of the 3 or
9 more choices receives a majority vote of the uni-
10 versity, academy, or vocational-technical insti-
11 ~~tute or state schools for practical nursing~~ em-
12 ployees voting, a run-off election shall be held.
13 The run-off ballot shall contain the 2 choices
14 which received the largest and 2nd largest number
15 of votes. When an organization receives the ma-
16 jority of votes of those voting, the executive
17 director shall certify it as the bargaining
18 agent. The bargaining agent certified as repre-
19 senting a bargaining unit shall be recognized by
20 the university, academy, or vocational-technical
21 ~~institutes or state schools for practical nursing~~
22 as the sole and exclusive bargaining agent for
23 all of the employees in the bargaining unit un-
24 less and until a decertification election by se-
25 cret ballot shall be held and the bargaining
26 agent declared by the executive director as not
27 representing a majority of the unit.

28 C. Whenever 30% of the employees in a bargaining
29 unit petition for a bargaining agent to be
30 decertified, the procedures for conducting an
31 election on the question shall be the same as for
32 representation as bargaining agent hereinbefore
33 set forth.

34 D. No question concerning representation may be
35 raised within one year of a certification or at-
36 tempted certification. Where there is a valid
37 collective bargaining agreement in effect, no
38 question concerning unit or representation may be
39 raised except during the period not more than 90
40 nor less than 60 days prior to the expiration

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1 date of the agreement.

2 Sec. 11. 26 MRSA §1026, sub-§1, as amended by PL
3 1983, c. 127, is further amended to read:

4 1. Negotiations. It shall be the obligation of
5 the university, academy, or vocational-technical in-
6 stitutes ~~or state schools for practical nursing~~ and
7 the bargaining agent to bargain collectively. "Col-
8 lective bargaining" means, for the purpose of this
9 chapter, their mutual obligation:

10 A. To meet at reasonable times;

11 B. To meet within 10 days after receipt of writ-
12 ten notice from the other party requesting a
13 meeting for collective bargaining purposes, pro-
14 vided the parties have not otherwise agreed in a
15 prior written contract;

16 C. To confer and negotiate in good faith with
17 respect to wages, hours, working conditions and
18 contract grievance arbitration, except that by
19 such obligation neither party shall be compelled
20 to agree to a proposal or be required to make a
21 concession;

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

25 E. To participate in good faith in the media-
26 tion, fact finding and arbitration procedures re-
27 quired by this section.

28 Cost items in any collective bargaining agreement of
29 vocational-technical institutes ~~or state schools for~~
30 ~~practical nursing~~ employees shall be submitted for
31 inclusion in the Governor's next operating budget
32 within 10 days after the date on which the agreement
33 is ratified by the parties. If the Legislature re-
34 jects any of the cost items submitted to it, all cost

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1 items submitted shall be returned to the parties for
2 further bargaining. Cost items shall include sala-
3 ries, pensions and insurance.

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

7 C. In reaching a decision under this section,
8 the arbitrators shall consider the following fac-
9 tors:

10 (1) The interests and welfare of the stu-
11 dents and the public and the financial abil-
12 ity of the university, academy, or
13 vocational-technical institutes ~~or state~~
14 ~~schemes for practical nursing~~ to finance the
15 cost items proposed by each party to the im-
16 passe;

17 (2) Comparison of the wages, hours and
18 working conditions of the employees involved
19 in the arbitration proceeding with the
20 wages, hours and working conditions of other
21 employees performing similar services in
22 public and private employment competing in
23 the same labor market;

24 (3) The over-all compensation presently re-
25 ceived by the employees, including direct
26 salary and wage compensation, vacation, hol-
27 idays, life and health insurance, retirement
28 and all other benefits received;

29 (4) Such other factors not confined to the
30 foregoing, which are normally and
31 traditionally taken into consideration in
32 the resolution of disputes involving similar
33 subjects of collective bargaining in public
34 higher education;

35 (5) The need of the university, academy, or

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1 vocational-technical institutes ~~or state~~
2 ~~schools for practical nursing~~ for qualified
3 employees;

4 (6) Conditions of employment in similar oc-
5 cupations outside the university, academy,
6 ~~or vocational-technical institutes or state~~
7 ~~schools for practical nursing~~;

8 (7) The need to maintain appropriate rela-
9 tionships between different occupations in
10 the university, academy, ~~or~~
11 vocational-technical institutes ~~or state~~
12 ~~schools for practical nursing~~; and

13 (8) The need to establish fair and reason-
14 able conditions in relation to job qualifi-
15 cations and responsibilities.

16 Sec. 13. 26 MRSA §1027, sub-§1, as amended by PL
17 1977, c. 581, §14, is further amended to read:

18 1. University, academy and vocational-technical
19 institutes prohibitions. The university, its repre-
20 sentatives and agents, the academy, its representa-
21 tives and agents, and the vocational-technical insti-
22 tutes, their representatives and agents ~~and the state~~
23 ~~schools for practical nursing~~; ~~their representatives~~
24 ~~and agents~~ are prohibited from:

25 A. Interfering with, restraining or coercing em-
26 ployees in the exercise of the rights guaranteed
27 in section 1023;

28 B. Encouraging or discouraging membership in any
29 employee organization by discrimination in regard
30 to hire or tenure of employment or any term or
31 condition of employment;

32 C. Dominating or interfering with the formation,
33 existence or administration of any employee orga-
34 nization;

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1 D. Discharging or otherwise discriminating
2 against an employee because he has signed or
3 filed any affidavit, petition or complaint or
4 given any information or testimony under this
5 chapter;

6 E. Refusing to bargain collectively with the
7 bargaining agent of its employees as required by
8 section 1026; or

9 F. Blacklisting of any employee organization or
10 its members for the purpose of denying them em-
11 ployment.

12 Sec. 14. 26 MRSA §1027, sub-§2, as repealed and
13 replaced by PL 1977, c. 581, §15, is amended to
14 read:

15 2. University, academy and vocational-technical
16 institutes prohibitions. University employees, uni-
17 versity employee organizations, their agents, members
18 and bargaining agents; academy employees, academy em-
19 ployee organizations, their agents, members and bar-
20 gaining agents; and vocational-technical institute
21 employees, vocational-technical institute employee
22 organizations, their agents, members and bargaining
23 agents; and state schools for practical nursing em-
24 ployees, state schools for practical nursing employee
25 organizations, their agents, members and bargaining
26 agents are prohibited from:

27 A. Interfering with, restraining or coercing em-
28 ployees in the exercise of the rights guaranteed
29 in section 1023 or the university, academy, and
30 vocational-technical institutes and state schools
31 for practical nursing in the selection of their
32 representatives for the purposes of collective
33 bargaining or the adjustment of grievances;

34 B. Refusing to bargain collectively with the
35 university, academy, and vocational-technical in-

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1 stitutes and state schools for practical nursing
2 as required by section 1026; and

3 C. Engaging in:

4 (1) A work stoppage, slowdown or strike;
5 and

6 (2) The blacklisting of the university,
7 academy, or vocational-technical institutes
8 or the state schools for practical nursing
9 for the purpose of preventing them from
10 filling employee vacancies.

11 Sec. 15. 26 MRSA §1029, sub-§1, as amended by PL
12 1977, c. 581, §16, is further amended to read:

13 1. Board power to prevent prohibited acts. The
14 board is empowered, as provided, to prevent any per-
15 son, the university, any university employee, any
16 university employee organizations, the academy, any
17 academy employees, any academy employee organiza-
18 tions, the vocational-technical institutes, any
19 vocational-technical institute employee, any
20 vocational-technical institute employee organiza-
21 tions; ~~the state schools for practical nursing, any~~
22 ~~state schools for practical nursing employee, any~~
23 ~~state schools for practical nursing employee~~
24 ~~organizations~~ or any bargaining agent from engaging
25 in any of the prohibited acts enumerated in section
26 1027. This power shall not be affected by any other
27 means of adjustment or prevention that has been or
28 may be established by agreement, law or otherwise.

29 Sec. 16. 26 MRSA §1029, sub-§2, as amended by PL
30 1977, c. 581, §17, is further amended to read:

31 2. Complaints. The university, any university
32 employee, any university employee organization, the
33 academy, any academy employee, any academy employee
34 organization, the vocational-technical institutes,
35 any vocational-technical institute employee, any

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

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1 testimony. Nothing in this subsection shall may re-
2 strict the right of the board to require the execu-
3 tive director or his designee to hold a prehearing
4 conference on any prohibited practice complaint prior
5 to the hearing before the board and taking whatever
6 action, including dismissal, attempting to resolve
7 disagreements between the parties or recommending an
8 order to the board, as he may deem appropriate, sub-
9 ject to review by the board.

10 Sec. 17. 26 MRSA §1029, sub-§6, as repealed and
11 replaced by PL 1977, c. 581, §18, is amended to read:

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

27 Sec. 18. 26 MRSA §1031, as amended by PL 1977,
28 c. 581, §19, is further amended to read:

29 §1031. Scope of binding contract arbitration

30 A collective bargaining agreement between the
31 university, the academy, the vocational-technical in-
32 stitutes or the state schools for practical nursing
33 and a bargaining agent may provide for binding arbi-
34 tration as the final step of a grievance procedure
35 but the only grievances which may be taken to such
36 binding arbitration shall be disputes between the
37 parties as to the meaning or application of the spe-

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1 cific terms of collective bargaining agreement. An
2 arbitrator with the power to make binding decisions
3 pursuant to any such provisions shall have no author-
4 ity to add to, subtract from or modify the collective
5 bargaining agreement.

6 Sec. 19. 26 MRSA §1034, sub-§2, as amended by PL
7 1977, c. 581, §20, is further amended to read:

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

17 Sec. 20. 26 MRSA c. 13, sub-c. IX, as amended,
18 is repealed.

19 Sec. 21. Transition provision. The Governor may
20 appoint an executive director and members to the
21 board of trustees prior to the effective date of this
22 Act. The powers and duties of the board shall not
23 take effect until the effective date of this Act.

24 1. Funds transferred. Notwithstanding the Maine
25 Revised Statutes, Title 5, sections 1585 and 1586,
26 all accrued expenditures, assets, liabilities, bal-
27 ances or allocations, transfers, revenues or other
28 available funds in any account or subdivision of an
29 account of the Bureau of Vocational Education and
30 authorized for use by or for the vocational-technical
31 institutes shall be reallocated to the Maine
32 vocational-technical institutes.

33 2. Rules and procedures. All rules and proce-
34 dures currently in effect and operation pertaining to
35 the vocational-technical institutes within the Bureau
36 of Vocational Education shall remain in effect until

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1 rescinded or amended by the Board of Trustees of the
2 Maine Vocational-technical Institutes.

3 3. Equipment and property transferred. All
4 equipment and property of the vocational-technical
5 institutes shall remain with the Maine
6 vocational-technical institutes, unless the board au-
7 thORIZes a different policy.

8 4. Contracts and agreements. All contracts and
9 agreements currently in effect with the Bureau of Vo-
10 cational Education and contracts relating to the
11 vocational-technical institutes shall remain in ef-
12 fect following the effective date of this Act until
13 rescinded, terminated or modified by the Board of
14 Trustees of the Maine Vocational-technical Insti-
15 tutes.

16 5. Location of board. The Board of Trustees of
17 the Maine Vocational-technical Institutes as created
18 by the Maine Revised Statutes, Title 20-A, section
19 12553, shall be located at the present location of
20 the Bureau of Vocational Education following the ef-
21 fective date of this Act, unless the board of trust-
22 ees agrees to a new location.

23 6. Employees. Employees of the Bureau of Voca-
24 tional Education and the vocational-technical insti-
25 tutes shall remain as members within the Maine State
26 Retirement System during their tenure in the adminis-
27 tration. New employees shall also be eligible for
28 membership in the Maine State Retirement System.

29 7. Board of trustees review operation. The
30 board of trustees shall review the operation of the
31 Maine vocational-technical institutes and shall re-
32 port its findings and recommendations to the Legisla-
33 ture at the completion of one full year of operation.

34 Sec. 22. Requirement for legislative propos-
35 al. The Department of Finance and Administration,
36 the Department of Personnel, the Governor's Office of

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1 Employee Relations, the Department of Educational and
2 Cultural Services, the Board of Trustees of the Maine
3 Vocational-institutes and one member each, appointed
4 jointly by the Speaker of the House of Representa-
5 tives and the President of the Senate, from the Joint
6 Standing Committee on State Government, the Joint
7 Standing Committee on Education and the Joint Stand-
8 ing Committee on Appropriations and Financial Affairs
9 shall jointly review, recommend and submit legisla-
10 tion to the Governor addressing:

11 1. The form of appropriations for the
12 vocational-technical institutes;

13 2. The authority and procedures governing per-
14 sonnel and labor relations functions of the
15 vocational-technical institutes; and

16 3. Other administrative authority and functions,
17 including staffing, relating to the
18 vocational-technical institutes.

19 The Governor shall review and approve or revise
20 the recommended legislation and submit it to the Leg-
21 islature no later than February 1, 1986.

22 Sec. 23. Appropriation. The following funds are
23 appropriated from the General Fund to carry out the
24 purposes of this Act.

25 1985-86

26 EDUCATIONAL AND CULTURAL
27 SERVICES, DEPARTMENT OF

28	Board of Trustees of the	
29	Maine Vocational-technical	
30	Institutes	
31	All Other	\$10,000
32	Provides funds	
33	for the expenses	
34	of the Board of	

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1 Trustees of the
2 Maine
3 Vocational-technical
4 Institutes.

5 Emergency clause. In view of the emergency cited
6 in the preamble, this Act shall take effect on July
7 1, 1986, except that the Maine Revised Statutes, Title
8 20-A, section 12553, and sections 22 and 23 of
9 the bill shall become effective when approved'

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. Four members from
19 the State Board of Education will serve on the Board
20 of Trustees.

21 This amendment retains the vocational-technical
22 institutes within the Department of Educational and
23 Cultural Services. The powers, duties and
24 responsibilities of the board of trustees and the Com-
25 missioner of Educational and Cultural Services are
26 carefully defined to allow for the smooth operation
27 of the institutes.

28 The Commissioner of Personnel, the Commissioner
29 of Finance and Administration, the Office of the Em-
30 ployee Relations and the new Board of Trustees of the
31 Maine Vocational-technical Institutes will study the
32 means by which flexibility can be provided to the in-
33 stitutes with respect to personnel policies and pro-
34 cedures and the expenditure of funds. The study will
35 be submitted to the Governor and will include enabl-

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1 ing legislation. The Governor will review the find-
2 ings and legislation and submit the legislation to
3 the Legislature by February 1, 1986.

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

15

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Filed by Rep. Gwadosky of Fairfield
Reproduced and distributed under the direction of the
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6/14/85

(Filing No. H-422)