

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 1645

6  
7 S.P. 628

In Senate, June 5, 1985

8 Submitted by the Joint Standing Committee on Education pursuant to  
9 Joint Order, S.P. 622.

10 JOY J. O'BRIEN, Secretary of the Senate

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 AN ACT Relating to the Administration of  
18 Vocational Education.  
19

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

22 Sec. 1. 20-A MRSA §10102, sub-§§2 and 3 are en-  
23 acted to read:

24 2. Vocational-technical institute system. Voca-  
25 tional-technical institute system means the combined  
26 entity of all vocational-technical institutes.

27 3. Vocational-technical institute fund. Voca-  
28 ationaltechnical institute fund is the fund estab-  
29 lished under section 10107-A.

30 Sec. 2. 20-A MRSA §10104, as amended by PL 1983,  
31 c. 422, §19, is repealed and the following enacted in  
32 its place:

33 §10104. Powers and duties of the state board

1           The state board shall maintain and operate the  
2 institutes established in section 10103 and have the  
3 following powers and duties:

4           1. Policy. Develop and adopt policies for the  
5 operation of the vocational-technical institutes;

6           2. Administrative responsibility. Oversee the  
7 administration of the vocational-technical insti-  
8 tutes;

9           3. Employ directors and assistant direc-  
10 tors. Approve the appointments of directors on the  
11 recommendation of the commissioner and assistant di-  
12 rectors on the recommendation of the directors. The  
13 directors shall serve at the pleasure of the board.  
14 The assistant directors shall serve at the pleasure  
15 of the directors;

16           4. Adopt and approve personnel policies. Adopt  
17 and approve personnel policies and procedures for the  
18 vocational-technical institutes. The board shall  
19 recommend the qualifications, duties and compensation  
20 of its employees in accordance with section 10105,  
21 subsection 3. These provisions shall be consistent  
22 with any collective bargaining acts and agreements;

23           5. Prepare and adopt a budget. Prepare and  
24 adopt a budget for the vocational-technical institute  
25 system for submission to the Governor and Legisla-  
26 ture. The budget may contain provisions for con-  
27 struction, renovation and reconstruction projects;

28           6. Enter into contracts and agreements. Enter  
29 into any contracts, leases and agreements and all  
30 other instruments and arrangements that are neces-  
31 sary, incidental or convenient to the performance of  
32 its duties and the execution of its powers under this  
33 chapter;

34           7. Acquire property by purchase, lease or rent.  
35 Acquire by purchase, lease or rent any lands, build-  
36 ings, structures, facilities or equipment to further  
37 the purposes of this chapter;

38           8. Sell and dispose of property. Sell and dis-  
39 pose of property, including lands, buildings, struc-

1 tures, equipment and facilities. Any revenues de-  
2 derived from the sale of property shall be placed in  
3 the vocational-technical institute fund and used as  
4 in section 10101;

5 9. Undertake construction and renovation. Ap-  
6 prove the construction, renovation and reconstruction  
7 of buildings, structures and facilities within the  
8 constraints of the budget of the vocational-technical  
9 institute system;

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

20 11. Approval of programs and policies. Approve  
21 programs and policies recommended by the commissioner  
22 and the directors of the institutes;

23 12. Establish and collect program fees and  
24 charges. Establish and collect program fees, tuition  
25 and other charges as necessary for the efficient im-  
26 plementation of this chapter to be deposited in the  
27 vocational-technical institute fund and used accord-  
28 ing to section 10101;

29 13. Establish and collect use fees. Establish  
30 and collect reasonable fees for the use of the insti-  
31 tutes' facilities by others. These fees shall be re-  
32 tained by the institute which incurs the cost;

33 14. Establish rules. Establish rules in a man-  
34 ner consistent with the Maine Administrative Proce-  
35 dure Act, Title 5, chapter 375, as the board deems  
36 necessary or convenient to carry out the purposes of  
37 this chapter;

38 15. Establish and promote specialized training.  
39 Establish and promote specialized training for per-  
40 sons who give evidence of special aptitude or need

1 and who desire specialized training designed specifi-  
2 cally to train for service in trade, industry or com-  
3 merce. The training and education, as authorized by  
4 this section, shall be directed toward the goals and  
5 objectives in section 10101.

6 A. The board shall provide for the offering of  
7 short-term training to meet the needs of the pri-  
8 rate sector and for longer-term training and edu-  
9 cation.

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

14 16. Work with private sector. Work closely with  
15 the private sector in order to insure that the  
16 vocational-technical institutes respond expeditiously  
17 to the needs of the private sector and the state  
18 economy, particularly with respect to changing tech-  
19 nology, industries and job needs;

20 17. Offer courses of study and degrees. Offer  
21 courses of study, grant diplomas and certificates on  
22 completion of a course of study; confer associate de-  
23 grees based on 2 years of instruction;

24 18. Delegate duties and responsibilities. Dele-  
25 gate duties and responsibilities as the board deems  
26 necessary for the efficient operation of this chap-  
27 ter;

28 19. Expend, allocate and transfer funds. Expend  
29 funds as necessary to fulfill this chapter and allo-  
30 cate and transfer funds within the  
31 vocational-technical institute system under the ad-  
32 ministration of the board and the commissioner as the  
33 board deems necessary;

34 20. Allocate and transfer personnel and equip-  
35 ment. Allocate and transfer personnel, consistent  
36 with collective bargaining agreements and equipment  
37 within the vocational-technical institute system un-  
38 der the administration of the board and commissioner  
39 as the board deems necessary;

1           21. Qualifications for admission. Establish  
2 qualifications for admission;

3           22. Establish of additional vocational-technical  
4 institutes. Establish additional vocational-technical  
5 institutes as appropriate; and

6           23. Other powers. Perform any acts appropriate  
7 to carry out the powers expressly granted or reason-  
8 ably implied in this chapter.

9           Sec. 3. 20-A MRSA §§10104-A and 10104-B are en-  
10 acted to read:

11           §10104-A. Duties and responsibilities of the commis-  
12 sioner

13           The commissioner shall implement the policies of  
14 the board and be responsible for the operation of the  
15 vocational-technical institute system. The commis-  
16 sioner shall have the following powers and duties:

17           1. Investigate complaints. To investigate com-  
18 plaints and problems relating to the institutes and  
19 inform the board of any activities necessary to re-  
20 solve any problems;

21           2. Undertake research and issue reports. To un-  
22 dertake research and issue reports to the board, the  
23 Governor and the Legislature as directed by the  
24 board;

25           3. Assist in the preparation of the budget. To  
26 assist in the preparation of a budget for the  
27 vocational-technical institute system to be approved  
28 by the board prior to submission to the Governor;

29           4. Oversee administration. To oversee the ad-  
30 ministration of the vocational-technical institute  
31 system;

32           5. Duties delegated by board. To undertake any  
33 and all duties delegated to the commissioner by the  
34 board;

35           6. Recommend appointment of directors. To rec-  
36 ommend directors for appointment by the board;

1           7. Appointment of other personnel. To approve  
2 appointments made by the directors of the institutes  
3 as provided in section 10104-B;

4           8. Cooperation with the University of Maine. To  
5 promote cooperation and communication between the  
6 vocational-technical institute system and the Univer-  
7 sity of Maine system;

8           9. To undertake long-range planning. To under-  
9 take long-range planning to include construction,  
10 renovation and reconstruction projects and report the  
11 findings and recommendations to the board;

12          10. To evaluate the directors' performance. To  
13 evaluate the performance of the directors of the in-  
14 stitutes and recommend to the board their continua-  
15 tion or dismissal;

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

21          12. Provide direction to the institutes. Devel-  
22 op policies, procedures, goals and objectives to be  
23 approved by the board with respect to the operation  
24 of the institutes. The commissioner shall meet regu-  
25 larly with the directors of the institutes to develop  
26 these policies and goals and to assist the directors  
27 in their duties;

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

32          14. Implement the mission and purpose of this  
33 chapter. Implement the purpose and intent in section  
34 10101; and

35          15. Delegate responsibility. The commissioner  
36 may delegate responsibilities and duties as necessary  
37 to administer this chapter.

38       §10104-B. Directors of institutes

1           The board, following consideration of the recom-  
2 mendations of the commissioner, shall appoint the di-  
3 rectors of the vocational-technical institutes. The  
4 directors shall be qualified by education and experi-  
5 ence.

6           1. Administration of the institutes. Directors  
7 shall be responsible for the day-to-day administra-  
8 tion of the institutes under the direction of the  
9 commissioner. The directors shall cooperate to pro-  
10 vide vocational education and training that best  
11 meets the needs of the students, the private sector  
12 and the changing state economy. The directors shall  
13 administer the vocational-technical institutes con-  
14 sistent with section 10101.

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 commis-  
18 sioner.

19           3. Make recommendations. The director of each  
20 institute may make recommendations to the commis-  
21 sioner with respect to the administration of the insti-  
22 tute, courses of training and curricula, coordination  
23 of programs with other institutes and with secondary  
24 vocational education programs and with other institu-  
25 tions of higher learning and any other matter re-  
26 quested by the commissioner.

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

35           5. Appointment of police officers. The direc-  
36 tors may appoint persons to act as police officers  
37 who, while within the limits of the property owned by  
38 or under the control of the institutes, shall possess  
39 all the powers of police officers in criminal cases.

40           A. The board may establish guidelines by which  
41 each director may make rules for the control,



1 movement and parking of vehicles within the lim-  
2 its of the property owned by or under the control  
3 of the institute. A director's rule shall be  
4 adopted or amended in accordance with section 3.  
5 It shall have the same force and effect as a mu-  
6 nicipal ordinance. District Courts may impose  
7 finer for each violation of these rules.

8 B. The board may adopt the provisions of Title  
9 30, section 2151, subsection 3, paragraph A, re-  
10 lating to prima facie evidence and the establish-  
11 ment of a waiver of court action by payment of  
12 specified fees.

13 6. Advisory committees. The director may also  
14 appoint advisory committees to advise the directors  
15 of the institute on the development and operation of  
16 academic programs at the vocational-technical insti-  
17 tute.

18 Sec. 4. 20-A MRSa §10105, sub-§1, as enacted by  
19 PL 1981, c. 693, §§5 and 8, is repealed.

20 Sec. 5. 20-A MRSa §10106, sub-§1, as enacted by  
21 PL 1981, c. 693, §§5 and 8, is amended to read:

22 1. Funding levels. Prior to September 1st of  
23 even-numbered years, the state board shall certify  
24 and present to the Governor the funding levels which  
25 it recommends for the operation of the ~~institutes~~  
26 vocational-technical institute system. It shall re-  
27 port those recommendations to the Legislature prior  
28 to November 15th of even-numbered years.

29 Sec. 6. 20-A MRSa §10107-A is enacted to read:

30 §10107-A. Nonlapsing revolving fund

31 A nonlapsing, interest earning, revolving fund,  
32 known as the Vocational-technical Institute Fund, is  
33 created to implement this chapter. Any unexpended  
34 balance of funds appropriated by the Legislature to  
35 the vocational-technical institute system shall be  
36 carried over for the continued use in the programs  
37 within the system. The fund may also receive, invest  
38 and expend money from gifts, grants, bequests, dona-  
39 tions, program fees, tuition, other charges and the

1 sale and disposal of property in accordance with sec-  
2 tion 10104, subsection 8.

3       **Sec. 7.** 20-A MRSA §10111, as enacted by PL 1981,  
4 c. 693, §§5 and 8, is repealed.

5       **Sec. 8. State board review of issue.** The State  
6 Board of Education shall review and make recommenda-  
7 tions no later than January 31, 1986, to the Joint  
8 Standing Committee on Education on:

9           1. State Board of Education staff needs. Its  
10 staff needs to carry out its duties outlined in this  
11 Act.

12           2. Vocational-technical institute staff and ad-  
13 ministrative needs. The staff and administrative  
14 needs of the vocational-technical institutes to carry  
15 out the intent of this Act and the original purpose  
16 in establishing the vocational-technical institutes  
17 of providing "responsive administration."

18           3. Department of Personnel and the Department of  
19 Finance and Administration. The policies and proce-  
20 dures of the Department of Personnel and the Depart-  
21 ment of Finance and Administration as they relate to  
22 the provision of vocational education to meet the  
23 needs of Maine's industry and labor force.

24           4. Collective bargaining. The State's role with  
25 respect to the collective bargaining units within the  
26 vocational-technical institute system.

27 The Joint Standing Committee on Education may intro-  
28 duce legislation pursuant to the state board's re-  
29 view.

30       **Sec. 9. Department of Finance and Administration**  
31 **and the Department of Personnel.** The Department of  
32 Finance and Administration and the Department of Per-  
33 sonnel shall, in conjunction with the State Board of  
34 Education, prepare by December 15, 1985, implementing  
35 legislation for the state board to include in its re-  
36 port to the Joint Standing Committee on Education  
37 giving authorization to the state board:

38           1. Appropriation. To receive lump-sum appropri-  
39 ations for the vocational-technical institutes;

