

MAINE STATE LEGISLATURE

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1

L.D. 2174

2

(Filing No. S- 465)

3

STATE OF MAINE

4

SENATE

5

112TH LEGISLATURE

6

SECOND REGULAR SESSION

7

COMMITTEE AMENDMENT "A" to S.P. 860, L.D.
2174, Bill, "AN ACT to Establish the Maine Vocation-
al-Technical Institute System."

8

9

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Amend the Bill by inserting after section 2 the
following:

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12

'Sec. 3. 3 MRSA §507, sub-§10, ¶B, as repealed
and replaced by PL 1983, c. 819, Pt. A, §4, is
amended to read:

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14

15

B. Unless continued or modified by law, the fol-
lowing Group E-2 independent agencies shall ter-
minate, not including the grace period, no later
than June 30, 1989. The Board of Emergency Munic-
ipal Finance, the Finance Authority of Maine and
the Maine Municipal Bond Bank shall not termi-
nate, but shall be reviewed by the Legislature no
later than June 30, 1989:

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(1) Board of Emergency Municipal Finance;

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(2) Finance Authority of Maine;

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(3) Maine Municipal Bond Bank;

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(4) Municipal Valuation Appeals Board;

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(5) Land Classification Appeals Board;

28

(6) State Liquor Commission;

29

(7) Capitol Planning Commission;

30

(8) State Board of Assessment Review; and

31

(9) Maine Health Care Finance Commission;

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1 and

2 (10) Maine Vocational-Technical Institute
3 System.'

4 Further amend the Bill in section 10 in that part
5 designated "§12704." in subsection 2, paragraph B in
6 the last line (page 6, line 12 in L.D.) by striking
7 out the underlined word "Continuing" and inserting in
8 its place the underlined word 'Community'

9 Further amend the Bill in section 10 in that part
10 designated "§12704." by striking out all of subsections
11 6 and 7 and inserting in their place the following:
12

13 '6. Special training and education. Provide, directly or through contractual or other arrangements, remedial and special training and education programs for disadvantaged and handicapped persons, designed to enable them to make maximum use of their aptitudes and abilities and achieve meaningful employment and economic self-sufficiency; and

20 7. Aid to Families with Dependent Children Program. In Cooperation with the Department of Human Services, Division of Welfare Employment, provide, directly or through contractual or other arrangements, preparatory, educational and training programs for recipients of Aid to Families with Dependent Children, designed to enable them to achieve meaningful employment and economic self-sufficiency.'

28 Further amend the Bill in section 10 in that part
29 designated "§12705." in subsection 1 by striking out
30 all of the first 3 lines (page 7, lines 20 to 22 in
31 L.D.) and inserting in their place the following:

32 '1. Membership. The board of trustees shall consist of 9 appointed voting members and 2 ex officio, nonvoting members as follows:

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1 Further amend the Bill in section 10 in that part
2 designated "§12705." by striking out all of subsec-
3 tion 5 and inserting in its place the following:

4 '5. Chairman. From among the appointed members,
5 the board of trustees shall elect a chairman and a
6 vice-chairman. The terms for the chairman and vice-
7 chairman shall be established in the bylaws adopted
8 by the board of trustees.'

9 Further amend the Bill in section 10 in that part
10 designated "§12705." by striking out all of subsec-
11 tion 7 and inserting in its place the following:

12 '7. Quorum. A quorum shall consist of a majority
13 of the members of the board of trustees. No action
14 may be taken without the affirmative vote of 5 ap-
15 pointed members present and voting.'

16 Further amend the Bill in section 10 in that part
17 designated "§12706." in subsection 5 in the last line
18 (page 9, line 26 in L.D.) by inserting after the un-
19 derlined word "affairs" the following: 'and to the
20 joint standing committee of the Legislature having
21 jurisdiction over education'

22 Further amend the Bill in section 10 in that part
23 designated "§12706." in subsection 11 in the 3rd line
24 (page 10, line 16 in L.D.) by inserting after the un-
25 derlined word "trustees" the following: ', subject to
26 applicable collective bargaining agreements.'

27 Further amend the Bill in section 10 in that part
28 designated "§12709." in subsection 4 in the last line
29 (page 13, line 9 in L.D.) by striking out the un-
30 derlined words "and administrators"

31 Further amend the Bill in section 10 in that part
32 designated "§12709." in subsection 5 in the next to
33 the last line (page 13, line 14 in L.D.) by striking
34 out the underlined words "and administrators"

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1 Further amend the Bill in section 10 in that part
2 designated "§12712." in subsection 4 in the last line
3 (page 15, line 32 in L.D.) by striking out the under-
4 lined words "the faculty" and inserting in their
5 place the following: 'the administrators, faculty'

6 Further amend the Bill in section 10 in that part
7 designated "§12712." by inserting after subsection 5
8 the following:

9 '6. Assist in preparation of the budget. The di-
10 rectors shall assist the board of trustees and the
11 executive director in the preparation of the budget
12 for the system. Each director shall prepare a pro-
13 posed line-item budget for the institute that each
14 director represents. A copy of the proposed budget of
15 each institute shall be provided to the board of
16 trustees and the executive director for their exami-
17 nation. Nothing in this subsection may be construed
18 to mean that the directors have approval authority
19 for the budgets of the institutes.'

20 Further amend the Bill in section 10 in that part
21 designated "§12712." by renumbering subsections 6 to
22 8 to be subsections 7 to 9.

23 Further amend the Bill in section 10 in that part
24 designated "§12713." by striking out all of the first
25 underlined sentence and inserting in its place the
26 following: 'The administrative council shall be a
27 nonvoting, advisory council, composed of the direc-
28 tors of the institutes to advise the board of trust-
29 ees and the executive director.'

30 Further amend the Bill in section 10 in that part
31 designated "§12718." in subsection 5, paragraph A in
32 the 4th line (page 20, line 17 in L.D.) by striking
33 out the following: "system," and inserting in its
34 place the following: 'system and'

35 Further amend the Bill in section 10 in that part
36 designated "§12718." in subsection 5, paragraph B in

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1 the 3rd line (page 20, line 22 in L.D.) by striking
2 out the following: "programs," and inserting in its
3 place the following: 'programs and'

4 Further amend the Bill by striking out all of
5 section 12 and inserting in its place the following:

6 'Sec. 12. 26 MRS §1022, sub-§1-C, as amended by
7 PL 1985, c. 506, Pt. B, §21, is repealed and the fol-
8 lowing enacted in its place:

9 1-C. Vocational-technical institute. "Vocation-
10 al-technical institute" means the Maine state voc-
11 ational-technical institutes and their activities and
12 functions supervised by the Board of Trustees of the
13 Maine Vocational-Technical Institute System or its
14 designee. The employment relations, policies and
15 practices throughout the vocational-technical insti-
16 tutes shall be as consistent as possible. It is the
17 responsibility of the board of trustees or its desig-
18 nee to negotiate collective bargaining agreements and
19 administer these agreements. The board of trustees or
20 its designee is responsible for employer functions of
21 the vocational-technical institutes under this chap-
22 ter and shall coordinate its collective bargaining
23 activities with campuses or units on matters of voc-
24 ational-technical institute concern. In addition to
25 its responsibilities to the public generally, the
26 board of trustees shall have the specific responsi-
27 bility of considering and representing the interests
28 and welfare of the students in any negotiations under
29 this chapter.

30 A. The Board of Trustees of the Maine Vocation-
31 al-Technical Institute System shall use the Of-
32 fice of Employee Relations for the purposes of
33 this chapter. This paragraph shall be repealed
34 June 30, 1987.'

35 Further amend the Bill in section 14 in subsec-
36 tion 11 in the 5th line (page 22, line 31 in L.D.) by
37 inserting before the underlined word "Maine" the un-

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1 derlined word 'the'

2 Further amend the Bill by inserting after section
3 14 the following:

4 'Sec. 15. 26 MRSA §1024-A, sub-§3, ¶¶A and B, as
5 enacted by PL 1979, c. 541, Pt. B, §31, are repealed
6 and the following enacted in their place:

7 A. Faculty and instructors;

8 B. Administrative staff;

9 C. Supervisory;

10 D. Support services;

11 E. Institutional services; and

12 F. Police.'

13 Further amend the Bill in section 15 in that part
14 designated "§1452." in the first paragraph, 12th line
15 (page 23, line 24 in L.D.) by striking out the fol-
16 lowing: "Office," and inserting in its place the fol-
17 lowing: 'Office and'

18 Further amend the Bill by striking out all of
19 section 17 and inserting in its place the following:

20 'Sec. 17. PL 1985, c. 497, §21 is repealed.'

21 Further amend the Bill by inserting after section
22 17 the following:

23 'Sec. 18. Transition provision. The following
24 provisions shall apply to the Maine Vocational-Tech-
25 nical Institute System on the effective date of this
26 Act.

27 1. Funds transferred. Notwithstanding the Maine
28 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 au-
5 thorized for use by or for the vocational-technical
6 institutes shall be reallocated to the Maine Voc-
7 ational-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 Institute System.

14 3. Equipment and property transferred. All
15 equipment and property of the vocational-technical
16 institutes shall remain with the Maine vocational-
17 technical institutes, unless the board of trustees
18 authorizes 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 voc-
22 ational-technical institutes shall remain in effect
23 following the effective date of this Act until re-
24 scinded, terminated or modified by the board of
25 trustees.

26 5. Employees. Employees of the Bureau of Voca-
27 tional Education and the vocational-technical insti-
28 tutes shall remain as members within the Maine State
29 Retirement System during their tenure in the Maine
30 Vocational-Technical Institute System. New employees
31 shall also be eligible for membership in the Maine
32 State Retirement System.

33 All personnel shall continue to be treated as
34 state employees for purposes of rights and benefits
35 under the Maine State Retirement System. Employer and
36 employee contributions shall be made as determined by
37 current and future collective bargaining agreements.

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1 6. Property and equipment. All property and
2 equipment within the Bureau of Vocational Education
3 authorized by or for the use of the vocational-techni-
4 cal institutes or the administration of
5 post-secondary vocational education shall be trans-
6 ferred to the Maine Vocational-Technical Institute
7 System.

8 7. Personnel transferred. Personnel of the De-
9 partment of Educational and Cultural Services, Bureau
10 of Vocational Education assigned primarily to
11 post-secondary vocational and technical education ac-
12 tivities provided in this Act shall be transferred to
13 analogous positions within the support office of the
14 Maine Vocational-Technical Institute System, subject
15 to the approval of the board of trustees of the sys-
16 tem. Classified and unclassified employees assigned
17 to the vocational-technical institutes shall become
18 employees of the Maine Vocational-Technical Institute
19 System.

20 The accrued fringe benefits of these personnel,
21 including vacation and sick leave, health and life
22 insurance and retirement, shall remain with the
23 transferred personnel. The rights and benefits under
24 current collective bargaining agreements shall con-
25 tinue for all covered personnel. If these agreements
26 expire, or have expired, the status quo shall be
27 maintained according to applicable labor law princi-
28 ples. All personnel transferred from state employment
29 to the Maine Vocational-Technical Institute System
30 shall retain all seniority rights and privileges and
31 all rights and privileges which are derived therefrom
32 as provided in their applicable collective bargaining
33 agreements with regard to employment in state service
34 for a period of 2 years from the date of the estab-
35 lishment of the Maine Vocational-Technical Institute
36 System.

37 The Department of Personnel shall assist the
38 Board of Trustees of the Maine Vocational-Technical

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1 Institute System with the orderly implementation of
2 these provisions, to be completed on or before July
3 1, 1987.

4 8. Allocation of Federal Vocational Education
5 Act resources. In recognition of the fact that feder-
6 al vocational education policy assigns high priority
7 to both secondary and post-secondary vocational edu-
8 cation, as well as to the vocational training and re-
9 training of adults, of the fact that the Maine Voc-
10 ational-Technical Institute System represents the
11 State's primary delivery mechanism for vocational and
12 technical education at the post-secondary level and
13 of the fact that the Carl D. Perkins Vocational Edu-
14 cation Act, P.L. 98-524, places major emphasis on ec-
15 onomic development programming, which is a primary
16 goal of the system, the Board of Trustees of the
17 Maine Vocational-Technical Institute System shall
18 meet and confer, on a biennial basis, with the State
19 Board of Education, which is the sole state agency
20 responsible for the administration of the State's vo-
21 cational education program under the Carl D. Perkins
22 Act, to develop an appropriate allocation of re-
23 sources available through the Carl D. Perkins Act, or
24 its successor, between the secondary and adult vo-
25 cational education programs represented by the Bureau
26 of Vocational Education, or its successor or succes-
27 sors, and the post-secondary vocational and technical
28 education programs represented by the Maine Vocation-
29 al-Technical Institute System.

30 9. Bonds. The Board of Trustees of the Maine
31 Vocational-Technical Institute System shall assume
32 the responsibilities of the State Board of Education
33 and the Department of Educational and Cultural Ser-
34 vices with respect to vocational-technical institute
35 bonds, as described in Private and Special Law 1967,
36 chapter 168 and Private and Special Law 1977, chapter
37 106 and other bond issue acts.

38 10. Board of trustees. The members of the board
39 of trustees of the Maine vocational-technical insti-

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1 tutes appointed pursuant to this Act shall serve as
2 members of the Board of Trustees of the Maine Voc-
3 ational-Technical Institute System until their ap-
4 pointed terms expire.

5 11. Retention of revenue. The authority of the
6 board of trustees to retain tuition revenues, as pro-
7 vided in the Maine Revised Statutes, Title 20-A, sec-
8 tion 12706, subsection 7, shall be deferred until Ju-
9 ly 1, 1987, except that any tuition revenues in ex-
10 cess of the amounts projected to the Legislature for
11 the current biennium shall be retained in accordance
12 with that subsection.

13 12. Transferred and new employees. All trans-
14 ferred or new employees of the Maine Vocational-Tech-
15 nical Institute System who are or would have been
16 members of the present State Administrative Services
17 Bargaining Unit, the Professional and Technical Ser-
18 vices Bargaining Unit and the Operations, Maintenance
19 and Support Services Bargaining Unit shall be trans-
20 ferred to the Support Services Bargaining Unit within
21 the Maine Vocational-Technical Institute System. All
22 transferred or new employees of the Maine Vocational-
23 Technical Institute System who are or would have been
24 members of the present state Supervisory Services
25 Bargaining Unit shall be transferred to the Supervi-
26 sory Services Bargaining Unit within the Maine Voc-
27 ational-Technical Institute System. All transferred
28 or new employees who are or would have been members
29 of the State Institutional Services Bargaining Unit
30 shall be transferred to the Institutional Services
31 Bargaining Unit within the Maine Vocational-Technical
32 Institute System.

33 All personnel who are currently represented by a
34 bargaining agent shall continue to be represented by
35 that bargaining agent. During the 30-day period fol-
36 lowing the effective date of this Act, a petition for
37 decertification or certification of a new bargaining
38 agent for the newly created bargaining units of su-
39 pervisory, support services and institutional ser-

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1 vices may be filed in accordance with the Maine Re-
2 vised Statutes, Title 26, chapter 12 and the rules of
3 the Maine Labor Relations Board.

4 13. Board of trustees as successor employer. For
5 the purposes of applying this chapter and collective
6 bargaining agreements governing employees of the
7 Maine vocational-technical institutes, the Board of
8 Trustees of the Maine Vocational-Technical Institute
9 System shall be considered the successor employer to
10 and shall assume the obligations of the State Board
11 of Education and of the State.'

12 Further amend the Bill by renumbering the sec-
13 tions to read consecutively.

14 Further amend the Bill by adding at the end be-
15 fore the Statement of Fact the following:

16 'FISCAL NOTE

17 An additional \$250,000 of federal Carl D. Perkins
18 Act money will be necessary to fund this Act. The
19 State Board of Education has authorized a one-year
20 grant of \$250,000 from this source.'

21 STATEMENT OF FACT

22 This amendment corrects several grammatical and
23 technical errors and makes some substantive changes.
24 With respect to substantive changes, the amendment:

25 1. Authorizes the Maine Vocational-Technical In-
26 stitute System to provide remedial and special train-
27 ing programs for disadvantaged and handicapped per-
28 sons, either directly or through contractual or other
29 arrangements;

30 2. Authorizes the Maine Vocational-Technical In-
31 stitute System to provide directly or through con-

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- 1 tractual agreements educational programs for Aid to
2 Families with Dependent Children recipients;
- 3 3. Allows the board of trustees to establish the
4 terms of the chairman and vice-chairman in the
5 board's bylaws;
- 6 4. Establishes a majority of the board members
7 as a quorum and requires the affirmative vote of 5
8 members to authorize action;
- 9 5. Requires the board to report transfers in ex-
10 cess of 10% of a line category item to the Joint
11 Standing Committee on Education as well as the Joint
12 Standing Committee on Appropriations and Financial
13 Affairs;
- 14 6. Clarifies the allocation of United States Vo-
15 cational Educational Act resources among vocational
16 education programs and adult education;
- 17 7. Provides for a more efficient transition by
18 establishing bargaining units in the Maine Vocation-
19 al-Technical Institute System into which employees at
20 the vocational-technical institutes may be trans-
21 ferred. A 30-day "window" period is provided for em-
22 ployees to decide in which union they wish to be a
23 member;
- 24 8. Establishes the Board of Trustees of the
25 Maine Vocational-Technical Institute System as the
26 successor employer to the State Board of Education.
27 The Governor's Office of Employee Relations will con-
28 duct collective bargaining negotiations. This provi-
29 sion will be repealed June 30, 1987;
- 30 9. Removes the ex officio members of the board
31 of trustees as voting members;
- 32 10. Clarifies the authority and composition of
33 the administrative council. The council will be pure-
34 ly advisory to the executive director and the board.

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1 It will be composed of the directors of the insti-
2 tutes and serve as a mechanism to transmit ideas,
3 concerns and recommendations to the board and the ex-
4 ecutive director;

5 11. Requires the Maine Vocational-Technical In-
6 stitute System to be reviewed no later than June 30,
7 1989, by the joint standing committee of the Legisla-
8 ture having jurisdiction over audit and program re-
9 view;

10 12. Provides that the directors of each insti-
11 tute develop a line-item budget for each institute to
12 be submitted to the board of trustees and the execu-
13 tive director. The directors of the institutes do not
14 have approval authority over the budget; and

15 13. Authorizes electrical apprentices to take
16 their journeyman's examination following completion
17 of the course work and prior to the 8,000 hours re-
18 quired to obtain the journeyman's license.

19

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Reported by Senator Hichens of the Joint Select
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