

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 2174

7
8 S.P. 860

In Senate, March 11, 1986

9 On motion by Senator Violette of Aroostook. Referred to the Committee
10 on Education and ordered printed. Sent down for concurrence.

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

Presented by Senator Brown of Washington.

Cosponsored by Representative Gwadosky of Fairfield, Representative
Brown of Gorham and Senator Andrews of Cumberland.

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 AN ACT to Establish the Maine
19 Vocational-Technical Institute System.
20

21 Emergency preamble. Whereas, Acts of the Legis-
22 lature do not become effective until 90 days after
23 adjournment unless enacted as emergencies; and

24 Whereas, it is essential that the new board of
25 trustees of the Maine Vocational-Technical Institute
26 System immediately assume its responsibilities under
27 this Act and undertake the organization of the new
28 vocational-technical institute system, including the
29 Vocational-Technical Institute Support Office; and

30 Whereas, in the judgment of the Legislature,
31 these facts create an emergency within the meaning of
32 the Constitution of Maine and require the following
33 legislation as immediately necessary for the preser-
34 vation of the public peace, health and safety; now,
35 therefore,

1 Be it enacted by the People of the State of Maine as
2 follows:

3 Sec. 1. 1 MRSA §402, sub-§2, ¶B, as amended by
4 PL 1977, c. 164, §1, is further amended to read:

5 B. Any board or commission of any state agency
6 or authority, the Board of Trustees of the Uni-
7 versity of Maine and any of its committees and
8 subcommittees, the administrative council of the
9 University of Maine, the Board of Trustees of the
10 Maine Maritime Academy and any of its committees
11 and subcommittees, the Board of Trustees of the
12 Maine Vocational-Technical Institute System and
13 any of its committees and subcommittees; and

14 Sec. 2. 1 MRSA §402, sub-§3, ¶E, as amended by
15 PL 1977, c. 696, §9, is further amended to read:

16 E. Records, working papers, interoffice and in-
17 traoffice memoranda used by or prepared for fac-
18 ulty and administrative committees of the Maine
19 Maritime Academy, the Maine Vocational-Technical
20 Institute System and the University of Maine. The
21 provisions of this paragraph do not apply to the
22 boards of trustees, the committees and subcommit-
23 tees of those boards, and the administrative
24 council of the University of Maine, which are re-
25 ferred to in section 402, subsection 2, paragraph
26 B.

27 Sec. 3. 5 MRSA §285, sub-§1, ¶F, as enacted by
28 PL 1983, c. 692, §1, is amended to read:

29 F. Any employee of the Maine Turnpike Authority;
30 and

31 Sec. 4. 5 MRSA §285, sub-§1, ¶F-1 is enacted to
32 read:

33 F-1. Any employee of the Maine Vocational-Tech-
34 nical Institute System; and

35 Sec. 5. 5 MRSA §285, sub-§1, ¶G, as repealed and
36 replaced by PL 1983, c. 692, §1, is amended to read:

1 G. Subject to subsection 1-A, employees in any
2 of the categories denominated in paragraphs A to
3 F F-1 who:

4 (1) On April 26, 1968, have retired and who
5 were covered under plans of insurance which
6 by virtue of Public Law 1967, chapter 543
7 were terminated; or

8 (2) After April 26, 1968, retire and who on
9 the date of their retirement are currently
10 enrolled in this group accident and sickness
11 or health insurance plan.

12 Sec. 6. 5 MRSA §285, sub-§1, ¶G, as amended by
13 PL 1985, c. 391, §§1 and 7, is further amended to
14 read:

15 G. Subject to subsection 1-A, employees in any
16 of the categories denominated in paragraphs A to
17 F F-1 who:

18 (1) On April 26, 1968, have retired and who
19 were covered under plans of insurance which
20 by virtue of Public Law 1967, chapter 543
21 were terminated;

22 (2) After April 26, 1968, retire and who on
23 the date of their retirement are currently
24 enrolled in this group accident and sickness
25 or health insurance plan; or

26 (3) After December 2, 1986, and after
27 reaching normal retirement age, cease to be
28 members of the Legislature and are recipi-
29 ents of retirement allowances from the Maine
30 State Retirement System based upon credit-
31 able service as teachers, as defined by sec-
32 tion 1001, subsection 25. This paragraph
33 shall also apply to former members who were
34 members on December 2, 1986.

35 Sec. 7. 5 MRSA §12004, sub-§8, ¶A, sub-¶(4-A) is
36 repealed and the following enacted in its place:

37 (4-A) Education Board of Trustees Expenses 20-A
38 of the Maine only §1270

1 Vocational-Technical
2 Institute System

3 Sec. 8. 14 MRSA §8102, sub-§4, as enacted by PL
4 1977, c. 2, §2, is amended to read:

5 4. State. "State" means the State of Maine or
6 any office, department, agency, authority, commis-
7 sion, board, institution, hospital or other instru-
8 mentality thereof, including the Maine Turnpike Au-
9 thority, the Maine Port Authority, the Maine Voc-
10 ational-Technical Institute System and all such oth-
11 er state entities.

12 Sec. 9. 20-A MRSA c. 429, as enacted by PL 1985,
13 c. 497, §5, is repealed.

14 Sec. 10. 20-A MRSA c. 431 is enacted to read:

15 CHAPTER 431

16 MAINE VOCATIONAL-TECHNICAL INSTITUTE SYSTEM

17 §12701. Definitions

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

21 1. Administrative council. "Administrative coun-
22 cil" means the administrative council of the system
23 as established in section 12713.

24 2. Board of trustees. "Board of trustees" means
25 the board of trustees of the system.

26 3. Director. "Director" means the director of a
27 vocational-technical institute.

28 4. Executive director. "Executive director"
29 means the executive director of the system.

30 5. Institute. "Institute" means a vocational-
31 technical institute as established in section 12714.

32 6. System. "System" means the Maine Vocational-
33 Technical Institute System.

1 7. Vocational-Technical Institute Support Of-
2 office. "Vocational-Technical Institute Support Office"
3 means the office of the executive director, together
4 with the offices of supporting staff, as established
5 in section 12710.

6 §12702. System established

7 There is established the Maine Vocational-Tech-
8 nical Institute System which shall be a body corpo-
9 rate and politic and a public instrumentality of the
10 State and the exercise of the powers conferred by
11 this chapter shall be deemed and held to be the per-
12 formance of essential governmental functions. The
13 system shall consist of the board of trustees, the
14 Vocational-Technical Institute Support Office and the
15 vocational-technical institutes.

16 §12703. Mission and goals

17 The basic mission of the Maine Vocational-Tech-
18 nical Institute System is to provide associate de-
19 gree, diploma and certificate programs directed at
20 the educational, occupational and technical needs of
21 the State's citizens and the work-force needs of the
22 State's employers.

23 The primary goals of post-secondary vocational-
24 technical education and the Maine Vocational-Tech-
25 nical Institute System are to create an educated,
26 skilled and adaptable labor force which is responsive
27 to the changing needs of the economy of the State and
28 to promote local, regional and statewide economic de-
29 velopment.

30 §12704. Tasks

31 The tasks of the system shall include, but not be
32 limited to:

33 1. Long-term and short-term training. Provid-
34 ing, in close cooperation with the private sector,
35 both the long-term education and training required
36 for certain vocational and technical occupations and
37 the short-term training necessary to meet specific
38 private sector and economic development needs;

1 2. Statewide and regional planning and coordina-
2 tion. Coordinating, on a statewide and regional ba-
3 sis, the planning and operation of the post-secondary
4 vocational and technical education programs offered
5 by the institutes with the planning and operation of:

6 A. The college and university programs offered
7 by the several other institutions of higher
8 learning in the State;

9 B. The adult, continuing and community education
10 programs overseen by the Department of Education-
11 al and Cultural Services, Division of Adult and
12 Continuing Education, or its successor;

13 C. The secondary occupational and vocational ed-
14 ucation programs overseen by the Department of
15 Educational and Cultural Services, Division of
16 Secondary Vocational Education, or its successor;

17 D. The employment and training programs funded
18 under the United States Job Training Partnership
19 Act, Public Law 97-300, or its successor, and
20 overseen by the Department of Labor, Bureau of
21 Employment, or its successor; and

22 E. The economic development programs overseen by
23 the State Development Office, or its successor,
24 and other economic development programs and agen-
25 cies throughout the State;

26 3. Job skills and flexibility. Providing each
27 institute student with the opportunity to obtain job
28 skills and an understanding of how to adapt these
29 skills to the requirements of an evolving technology
30 and a changing economy;

31 4. General and related education. Offering each
32 institute student a general education designed to
33 complement specific vocational and technical skills
34 and offering courses and curricula designed to teach
35 students to think clearly, logically and analytically
36 and to comprehend the multiple dimensions and facets
37 of public and private issues and problems;

38 5. Adult training and retraining. Providing sup-
39 plementary education programs designed to upgrade the

1 skills of persons already employed or retrain persons
2 for new employment opportunities;

3 6. Special training and education. Providing re-
4 medial and special training and education programs
5 for disadvantaged and handicapped persons, designed
6 to enable them to make maximum use of their aptitudes
7 and abilities and achieve meaningful employment and
8 economic self-sufficiency; and

9 7. Aid to Families with Dependent Children pro-
10 gramming. In cooperation with the Department of Human
11 Services, Division of Welfare Employment, or its suc-
12 cessor, providing preparatory, educational and train-
13 ing programs for recipients of Aid to Families with
14 Dependent Children, designed to enable them to
15 achieve meaningful employment and economic
16 self-sufficiency.

17 §12705. Board of trustees

18 The board of trustees shall be the policy-making
19 authority of the system.

20 1. Membership. The board of trustees shall con-
21 sist of 11 members, all voting, 9 appointed by the
22 Governor and 2 ex officio, as follows:

23 A. One from the State Board of Education;

24 B. One from the Board of Trustees of the Univer-
25 sity of Maine;

26 C. Seven from the field of business and indus-
27 try, the field of labor, the field of education
28 and the general public;

29 D. The Commissioner of Educational and Cultural
30 Services, or his successor, who shall serve ex
31 officio; and

32 E. The Director of the State Development Office,
33 or his successor, who shall serve ex officio.

34 2. Appointment; terms. Members of the board of
35 trustees shall be appointed by the Governor to 4-year
36 terms of office, subject to review by the joint

1 standing committee of the Legislature having juris-
2 isdiction over education and to confirmation by the
3 Legislature. No classified or unclassified employee
4 of the State or person who holds elected state office
5 may serve on the board of trustees, with the excep-
6 tion of the ex officio members.

7 3. Vacancies. Vacancies on the board of trustees
8 shall be filled for the unexpired term only. A member
9 shall serve until a successor has been appointed and
10 qualified.

11 4. Compensation. Members shall be compensated
12 for their expenses according to Title 5, chapter 379.

13 5. Chairman. From among the appointed members,
14 the board of trustees shall annually nominate a
15 chairman and a vice-chairman for appointment by the
16 Governor.

17 6. Meetings. The board of trustees shall meet at
18 least 10 times each year and at the call of the
19 chairman or at the request of a majority of the mem-
20 bers.

21 7. Quorum. A quorum shall consist of a majority
22 of sitting members. The board of trustees shall not
23 conduct official business without a quorum present
24 and voting.

25 8. Secretary. The executive director shall serve
26 as the secretary of the board of trustees.

27 §12706. Powers and duties of the board of trustees

28 The powers and duties of the board of trustees
29 shall include the following:

30 1. Policies. To develop and adopt policies for
31 the operation of the system, the Vocational-Technical
32 Institute Support Office and the institutes; estab-
33 lish the administrative council; and approve programs
34 and policies recommended by the executive director
35 and the administrative council;

36 2. Administration. To oversee the administration
37 of the system;

1 3. Bylaws and seal. To develop and adopt bylaws
2 for the regulation of its affairs and the conduct of
3 its business and develop and adopt an official seal
4 and alter it as necessary or convenient;

5 4. Budget development. To prepare and adopt a
6 biennial, line-category, operating budget for presen-
7 tation to the Governor and the Legislature, incorpo-
8 rating all projected expenditures and all resources
9 expected or proposed to be made available to fund the
10 operations of the system. The budget is to be used in
11 support of any requests to the Legislature for Gener-
12 al Fund appropriations that the board of trustees may
13 deem appropriate and necessary to supplement other
14 resources available to the system and shall also
15 serve as the foundation for an annual fiscal manage-
16 ment plan for the system;

17 5. Fiscal management. To receive, expend, allo-
18 cate and transfer funds within the system, as neces-
19 sary to fulfill the purposes of this chapter, in ac-
20 cordance with the biennial, line-category, operating
21 budget. Cumulative transfers between line categories
22 in excess of 10% of either the sending or the receiv-
23 ing category of the system operating budget shall be
24 reported to the joint standing committee of the Leg-
25 islature having jurisdiction over appropriations and
26 financial affairs prior to becoming effective;

27 6. Loans and grants. To receive and accept, from
28 any source, loans, aid or contributions of money,
29 property, labor or other things of value to be held,
30 used or applied to carry out the purposes of this
31 chapter, subject to the conditions upon which the
32 loans, grants and contributions may be made, includ-
33 ing, but not limited to, loans, grants or gifts from
34 any federal agency or governmental subdivision or the
35 State and its agencies;

36 7. Fees and charges. To establish and collect
37 fees, tuition and other charges, as deemed necessary
38 by the board of trustees for the efficient adminis-
39 tration of this chapter, to be credited to a separate
40 fund and used for the purposes of this chapter;

41 8. Investments. Except as otherwise provided in
42 this chapter, to invest any funds not needed for im-

1 mediate use, including any funds held in reserve, in
2 property and securities in which fiduciaries in the
3 State may legally invest funds;

4 9. Contracts and agreements. To enter into any
5 contracts, leases and agreements and any other in-
6 struments and arrangements that are necessary, inci-
7 idental or convenient to the performance of its duties
8 and the execution of its powers under this chapter;

9 10. Legal affairs. To sue and be sued in its own
10 name. Services of process in any action shall be made
11 by service upon the executive director, either in
12 hand or by leaving a copy of the process at the Voc-
13 ational-Technical Institute Support Office;

14 11. Personnel policies. To develop and adopt
15 personnel policies and procedures for the system. The
16 board of trustees shall determine the qualifications,
17 duties and compensation of its employees and shall
18 allocate and transfer personnel within the system as
19 necessary to fulfill the purposes of this chapter.
20 The board of trustees shall appoint the executive di-
21 rector and the directors, assistant directors, deans
22 and directors of finance of the institutes. The pro-
23 visions of the Personnel Law, as defined by Title 5,
24 section 551 and Title 5, chapter 71, do not apply to
25 the system;

26 12. Purchasing. To acquire consumable supplies,
27 materials and incidental services, through cash pur-
28 chase, sole-source purchase orders, bids or contract,
29 as necessary or convenient to fulfill the purposes of
30 this chapter;

31 13. Property management. To acquire by purchase,
32 gift, lease or rent any property, lands, buildings,
33 structures, facilities or equipment necessary to ful-
34 fill the purposes of this chapter. The board of
35 trustees shall manage, rent, lease, sell and dispose
36 of property, including lands, buildings, structures,
37 equipment and facilities. Any revenues derived from
38 these uses shall be credited to a separate fund to be
39 used for the purposes of this chapter;

40 14. Facilities management; construction and
41 renovation. To authorize the construction, mainte-

1 nance, renovation, reconstruction or other necessary
2 improvements of buildings, structures and facilities;

3 15. Courses of study and degrees. To offer
4 courses of study, grant diplomas and certificates on
5 completion of courses of study, confer associate de-
6 grees based on 2 years of instruction and establish
7 qualifications for admission; to offer short-term and
8 on-site training, to meet the needs of the private
9 and public sectors and economic development and em-
10 ployment training programs; and to offer adult educa-
11 tion and continuing educational opportunities to meet
12 the needs of nontraditional students and of adults
13 who need training or retraining in response to
14 changes in technology or the needs of the economy;

15 16. Employment training coordination. In cooper-
16 ation with the Maine Job Training Council and the Bu-
17 reau of Employment and Training Programs, or their
18 successors, to serve as an administrative agency for
19 state education coordination and grant funds autho-
20 rized under the United States Job Training Partner-
21 ship Act, Section 123, Public Law 95-524, or its suc-
22 cessor;

23 17. Apprenticeship education. In cooperation
24 with the State Apprenticeship and Training Council,
25 or its successor, to take responsibility for related
26 and supplemental instruction at the post-secondary
27 and adult level for apprentices employed under ap-
28 prenticeship programs registered and approved by the
29 State Apprenticeship and Training Council, for coor-
30 dination of instruction with work experiences and for
31 the selection of teachers and coordinators for such
32 related and supplemental instruction;

33 18. Delegation; other powers. To delegate duties
34 and responsibilities as necessary for the efficient
35 operation of this chapter and to do any other acts or
36 things necessary or convenient to carry out the pow-
37 ers expressly granted or reasonably implied in this
38 chapter; and

39 19. Advisory committees. To appoint or identify
40 advisory committees to advise the board of trustees
41 with respect to vocational and technical education
42 and training policies and programs, to procedures for

1 modifying the programs of the institutes to meet the
2 needs of the State's economy and the changing job
3 market and to the efficient operation of the insti-
4 tutes and the Vocational-Technical Institute Support
5 Office. These committees may include, but need not be
6 limited to, the Maine Council on Vocational Educa-
7 tion, authorized under the United States Carl D. Per-
8 kins Vocational Education Act, Section 112, Public
9 Law 98-524, or its successor.

10 §12707. Occupational information

11 The Maine Occupational Information Coordinating
12 Committee, authorized under the United States Educa-
13 tion Amendments of 1976, Section 161(b), Public Law
14 94-482 and established by Title 26, section 1452, as
15 amended, shall serve as the standard, principal
16 source of occupational information for vocational and
17 technical program planning and as the primary source
18 of career information for the career guidance and
19 placement counseling of institute applicants, stu-
20 dents and graduates.

21 §12708. Executive director

22 The board of trustees shall appoint the executive
23 director who must be qualified by education and expe-
24 rience and shall serve at the pleasure of the board
25 of trustees.

26 §12709. Powers and duties of the executive director

27 The executive director shall implement the poli-
28 cies of the board of trustees and be responsible for
29 the operation of the system. The powers and duties of
30 the executive director shall include:

31 1. Leadership. To develop policies, procedures,
32 goals and objectives with respect to the operation of
33 the institutes, to be approved by the board of trust-
34 ees. The executive director shall meet regularly with
35 the administrative council to develop these policies
36 and goals;

37 2. Vocational-Technical Institute Support Office
38 staff appointment. Under procedures and standards de-
39 veloped by the board of trustees, to appoint the

1 staff of the Vocational-Technical Institute Support
2 Office, including professional and nonprofessional
3 personnel and including, but not limited to, private
4 legal counsel and financial experts;

5 3. Nomination of directors. To nominate the di-
6 rectors for appointment by the board of trustees;

7 4. Staff oversight. To oversee the staff of the
8 Vocational-Technical Institute Support Office and the
9 directors and administrators of the institutes;

10 5. Personnel evaluation. Under policies and
11 standards developed by the board of trustees, to
12 evaluate the performance of the Vocational-Technical
13 Institute Support Office staff and of the directors
14 and administrators of the institutes and to make per-
15 sonnel recommendations to the board of trustees;

16 6. Perkins allocations. As the representative of
17 the board of trustees, to meet and confer with repre-
18 sentatives of the State Board of Education regarding
19 the distribution or allocation of federal money for
20 vocational education in the State under the United
21 States Carl D. Perkins Vocational Education Act, Pub-
22 lic Law 98-524, or its successor, and report the re-
23 sults to the board of trustees;

24 7. Budget preparation. To assist the board of
25 trustees in the preparation of the biennial operating
26 budget for the system, as provided in section 12706,
27 subsection 4;

28 8. Accounting system and procedures. To provide
29 for an accounting system and procedures which will
30 reflect and identify all appropriations, allocations,
31 income and revenues and all expenditures of each in-
32 stitute and the Vocational-Technical Institute Sup-
33 port Office;

34 9. Long-range planning and research. In coopera-
35 tion with the administrative council, to undertake
36 long-range planning and research, including planning
37 for construction, renovation and reconstruction
38 projects and report findings and recommendations to
39 the board of trustees;

1 10. Intercampus cooperation and coordination. To
2 promote cooperation among the vocational-technical
3 institutes and prepare plans for approval by the
4 board of trustees with respect to the coordination of
5 programs, activities and personnel;

6 11. Interagency cooperation and communication.
7 To promote cooperation and communication with the De-
8 partment of Educational and Cultural Services and the
9 Bureau of Employment and Training Programs, or their
10 successors, with the University of Maine and with
11 other public and private educational and training in-
12 stitutions;

13 12. Coordination with the public sector. To work
14 closely with other state and local agencies that have
15 an impact upon vocational education, to promote con-
16 sistent and coordinated policies, procedures and pro-
17 grams;

18 13. Coordination with the private sector. To
19 work closely with the private sector in order to en-
20 sure that the institutes respond expeditiously to the
21 needs of the private sector and the State's economy,
22 particularly with respect to changing technology, in-
23 dustry and job training needs;

24 14. Delegated duties. To undertake other duties
25 as delegated by the board of trustees;

26 15. Delegate responsibility. To delegate duties
27 and responsibilities as necessary to administer this
28 chapter; and

29 16. Fulfillment of mission and goals. To imple-
30 ment the mission and goals set forth in section
31 12703.

32 §12710. Vocational-Technical Institute Support Of-
33 fice

34 The Vocational-Technical Institute Support Office
35 shall implement the policies of the board of trustees
36 and shall provide staff and technical assistance to
37 each institute and state-level coordination and lead-
38 ership to the system.

1 §12711. Directors of the institutes

2 The executive director shall nominate the direc-
3 tors for appointment by the board of trustees. The
4 directors must be qualified by education and experi-
5 ence and shall serve at the pleasure of the board of
6 trustees.

7 §12712. Powers and duties of the directors of the
8 institutes

9 The directors shall implement the policies of the
10 board of trustees and be responsible for the day-
11 to-day operation of the institutes. The powers and
12 duties of the directors shall include the following.

13 1. Administration of the institutes. The direc-
14 tors shall be responsible for the administration of
15 the institutes. The directors shall cooperate to pro-
16 vide vocational and technical education and training
17 that best meets the needs of students, the private
18 sector and the changing economy of the State. The di-
19 rectors shall administer the institutes in a manner
20 consistent with the mission and goals set forth in
21 section 12703.

22 2. Institute staff appointment. Under procedures
23 and standards developed by the board of trustees, the
24 directors shall appoint the faculty and staff of the
25 institutes, including professional and
26 nonprofessional personnel.

27 3. Nomination of assistant directors. The direc-
28 tor of each institute shall nominate an assistant di-
29 rector, deans and director of finance for appointment
30 by the board of trustees.

31 4. Staff oversight. The directors shall oversee
32 the faculty and staff of the institutes.

33 5. Personnel evaluation. Under policies and
34 standards developed by the board of trustees, the di-
35 rectors shall evaluate the performance of the admin-
36 istrators, faculty and staff of the institutes and
37 make personnel recommendations to the executive di-
38 rector and the board of trustees.

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

6 A. The board of trustees may establish guide-
7 lines by which each director may make rules for
8 the control, movement and parking of vehicles
9 within the limits of the property owned by or un-
10 der the control of the institute. These rules may
11 include special provisions for employees of the
12 system and institute students. A director's rule
13 shall be adopted or amended subject to the ap-
14 proval of the board of trustees and shall have
15 the same force and effect as a municipal ordi-
16 nance. District courts may impose fines, not to
17 exceed \$10, for each violation of these rules.

18 B. The board of trustees may adopt the provi-
19 sions of Title 30, section 2151, subsection 3,
20 paragraph A, relating to prima facie evidence and
21 the establishment of a waiver of court action by
22 payment of specified fees.

23 7. Advisory committees. Each director shall ap-
24 point advisory committees to advise on the develop-
25 ment and operation of the educational programs at the
26 institutes.

27 8. Delegated duties. Each director shall under-
28 take other duties as delegated by the board of trust-
29 ees and the executive director.

30 §12713. Administrative council

31 Under policies and procedures developed by the
32 board of trustees, an administrative council of the
33 system shall be established. The administrative coun-
34 cil shall advise the executive director in the per-
35 formance of the duties assigned under this chapter
36 and shall make recommendations to the executive di-
37 rector and the board of trustees with respect to the
38 administration of the institutes, courses of study,
39 educational programs, curricula, coordination of pro-
40 grams between the institutes, coordination with other
41 institutions of higher learning and other educational

1 and training institutions and other matters as re-
2 quested by the executive director or the board of
3 trustees.

4 §12714. Name and program of the vocational-technical
5 institutes

6 The program of the vocational-technical insti-
7 tutes shall be designed to educate, train and prepare
8 high school graduates, or the equivalent, for possi-
9 ble employment as technicians or technologists, in-
10 cluding health technicians and technologists, engi-
11 neering assistants, business and office administra-
12 tors or workers, mechanics or repairers, craft work-
13 ers, construction workers or precision production
14 workers or other skilled workers, in accordance with
15 the mission and goals set forth in section 12703. Un-
16 less and until the board of trustees deems it neces-
17 sary to adopt other nomenclature to fulfill the pur-
18 poses of this chapter, the names of the institutes
19 shall be:

20 1. Central Maine. Central Maine Vocational-Tech-
21 anical Institute;

22 2. Eastern Maine. Eastern Maine Vocational-Tech-
23 anical Institute;

24 3. Kennebec Valley. Kennebec Valley Vocational-
25 Technical Institute;

26 4. Northern Maine. Northern Maine Vocational-
27 Technical Institute;

28 5. Southern Maine. Southern Maine Vocational-
29 Technical Institute; and

30 6. Washington County. Washington County Voc-
31 ational-Technical Institute.

32 §12715. Accreditation

33 The institutes may seek and maintain membership
34 in the appropriate regional accrediting association
35 and shall strive to satisfy the requirements neces-
36 sary to achieve and maintain accreditation as voc-
37 ational-technical institutes and to meet the require-

1 ments necessary to receive federal aid. Whenever fea-
2 sible and appropriate, programs of study offered by
3 the institutes shall meet the requirements of the
4 corresponding occupations for licensing, certifica-
5 tion or registration. As provided in Title 32, insti-
6 tute graduates with appropriate training and experi-
7 ence shall be eligible for licensure as journeyman
8 workers in certain specified occupations upon passage
9 of the journeyman's examination.

10 §12716. Financial aid

11 1. State scholarships. The board of trustees
12 shall develop and administer a program of scholar-
13 ships for institute students. Awards shall be based
14 on evidence of individual need and worth.

15 Students selected to receive a scholarship shall ful-
16 fill the following qualifications:

17 A. Show evidence of the qualifications necessary
18 to complete a course of study successfully and to
19 become a competent technical or craft worker in
20 an industrial, administrative or trade pursuit;

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

24 C. Show demonstrated need of financial assist-
25 ance to help pay the cost of institute attend-
26 ance.

27 2. National Guard Scholarship Program. Members
28 of the Maine National Guard with over 10 years of
29 continuous service may be awarded scholarships on the
30 basis of their guard membership, not to exceed 3
31 credit hours or the equivalent each semester. The
32 guard shall select those who are to receive scholar-
33 ships from among those members eligible for admission
34 to an institute. The program shall be administered by
35 the board of trustees.

36 3. Loan fund revolving accounts. In compliance
37 with federal regulations, the board of trustees may
38 establish and administer loan fund revolving accounts
39 to provide effective and efficient student loan pro-

1 grams for the institutes. The board of trustees shall
2 adopt rules governing the giving of loans to insti-
3 tute students in need of financial aid, repayment
4 plans and other aspects of the loan programs. Each
5 loan fund revolving account authorized and the spe-
6 cific funds associated with it shall be kept in a
7 separate special account and any repayment of loans
8 made from one of these separate special accounts
9 shall be credited to that separate special account
10 for continued use as a loan fund.

11 §12717. Instructional Projects Revolving Fund

12 The board of trustees shall establish and admin-
13 ister an Instructional Projects Revolving Fund to aid
14 instruction at the institutes. The fund shall be used
15 to pay necessary costs of projects which are carried
16 out as part of the instructional program. No project
17 may be undertaken unless the fund contains enough
18 money to cover its proposed budget. All money gener-
19 ated through the operation of any project shall be
20 placed into the fund for use in other instructional
21 projects.

22 §12718. Annual report

23 The board of trustees shall prepare an annual re-
24 port by January 1st of each year, to be submitted to
25 the Governor and joint standing committees of the
26 Legislature having jurisdiction over education and
27 over appropriations and financial affairs. The report
28 shall be presented by the chairman before the joint
29 standing committee of the Legislature having juris-
30 isdiction over education. This report shall include:

31 1. Budget expenditures. Budget expenditures for
32 the last complete fiscal year and projected expendi-
33 tures for the fiscal year in which the report is sub-
34 mitted;

35 2. Current enrollments. Current enrollments by
36 program at each institute;

37 3. Description of new courses or curricula. A
38 description of any new institute courses or curricu-
39 la;

1 4. Description of activities. A description of
2 activities undertaken to coordinate post-secondary
3 vocational and technical training and education
4 throughout the State with secondary vocational educa-
5 tion, adult vocational education, employment training
6 programs, other employment-related training and other
7 institutions of higher learning;

8 5. Analysis. An analysis of the quality, growth,
9 effectiveness, labor market impact and priority of
10 institute programs, developed in terms of planning
11 factors and criteria adopted by the board of trust-
12 ees. These factors and criteria may include, but need
13 not be limited to, the following:

14 A. Suitability as indicated by licensing re-
15 quirements, general educational development, spe-
16 cific vocational preparation levels, national
17 surveys, career information delivery system, oc-
18 cupational outlook handbook recommendations and
19 alternate training environments;

20 B. Need as indicated by economic development
21 targets, regional and local perspectives, dupli-
22 cate training programs, enrollment and applica-
23 tion levels, ratios and trends;

24 C. Employment outlook as indicated by employment
25 levels, attrition rates, growth rates, occupa-
26 tional supply and demand ratios, cyclical trends
27 and economic and technological developments;

28 D. Work values as indicated by wage levels,
29 fringe benefits, working conditions, seasonal
30 factors, accessibility and equity;

31 E. Career potential as indicated by turnover
32 rate, dropout rate, burnout rate, career ladders,
33 skill transferability, self-employment opportuni-
34 ties and supervisory opportunities;

35 F. Program effectiveness as indicated by
36 student-to-teacher ratio, completion rate, labor
37 market entry rate, student satisfaction and em-
38 ployer satisfaction;

1 G. Program impact as indicated by related place-
2 ment rate, unrelated placement rate, unemployment
3 rate and placement and unemployment trends; and

4 H. Cost as indicated by total cost, cost per
5 student, cost per placement, special funding sup-
6 port and equipment replacement rates;

7 6. List. A list of needs, in order of priority,
8 of the institutes; and

9 7. Other information. Any other information
10 deemed significant by the board of trustees.

11 Sec. 11. 26 MRSA §1005, as amended by PL 1973,
12 c. 571, §62, is further amended to read:

13 §1005. Related and supplemental instruction

14 Related and supplemental instruction for appren-
15 tices, coordination of instruction with work experi-
16 ences and the selection of teachers and coordinators
17 for such instructions shall be the responsibility of
18 the ~~state and local boards of education~~ Board of
19 Trustees of the Maine Vocational-Technical Institute
20 System. The Commissioner of Educational and Cultural
21 Services executive director of the system shall be
22 responsible and make provision, subject to the allot-
23 ment of funds, for related and supplemental instruc-
24 tion for apprentices as may be employed under appren-
25 ticeship programs registered and approved by the
26 council.

27 Sec. 12. 26 MRSA §1022, sub-§1-C, as amended by
28 PL 1985, c. 506, Pt. B, §21, is further amended to
29 read:

30 1-C. Vocational-technical institute. "Vocation-
31 al-technical institute" means the Maine state voc-
32 ational-technical institutes and its activities and
33 functions supervised by the State Board of Education
34 Board of Trustees of the Maine Vocational-Technical
35 Institute System or its designee. The employment re-
36 lations, policies and practices throughout the voc-
37 ational-technical institutes shall be as consistent
38 as possible. It is the responsibility of the State
39 Board of Education board of trustees or its designee

1 to negotiate collective bargaining agreements and ad-
2 minister these agreements. The ~~State Board of~~
3 ~~Education~~ board of trustees or its designee is re-
4 sponsible for employer functions of the vocational-
5 technical institutes ~~and state schools for practical~~
6 ~~nursing~~ under this chapter; and shall coordinate its
7 collective bargaining activities with campuses or
8 units on matters of vocational-technical institute
9 concern. In addition to its responsibilities to the
10 public generally, the ~~vocational-technical institutes~~
11 board of trustees shall have the specific responsi-
12 bility of considering and representing the interests
13 and welfare of the students in any negotiations under
14 this chapter. The ~~State Board of Education~~ may board
15 of trustees shall utilize the Office of State Employ-
16 ee Relations for the purposes of this chapter.

17 Sec. 13. 26 MRSA §1022, sub-§3, as amended by PL
18 1975, c. 671, §4, is further amended to read:

19 3. Board of Trustees. "Board of Trustees" means
20 the Board of Trustees of the University of Maine ~~or,~~
21 the Board of Trustees of the Maine Maritime Academy
22 or the Board of Trustees of the Maine Vocational-
23 Technical Institute System.

24 Sec. 14. 26 MRSA §1022, sub-§11, as amended by
25 PL 1985, c. 506, Pt. B, §22, is further amended to
26 read:

27 11. University, academy or vocational-technical
28 institute employee. "University, academy or vocation-
29 al-technical institute employee" means any regular
30 employee of the University of Maine, the Maine Mari-
31 time Academy or ~~Vocational-technical institutes~~ Maine
32 Vocational-Technical Institute System performing ser-
33 vices within a campus or unit, except any person:

34 A. Appointed to office pursuant to statute;

35 B. Appointed by the Board of Trustees as a vice-
36 president, dean, director or member of the
37 chancellor's ~~or,~~ superintendent's or Maine Voc-
38 ational-Technical Institute System executive
39 director's immediate staff;

1 C. Whose duties necessarily imply a confidential
2 relationship with respect to matters subject to
3 collective bargaining as between such person and
4 the university ~~or~~, the academy or the Maine Voc-
5 ational-Technical Institute System; or

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

8 Sec. 15. 26 MRSA §1452, as amended by PL 1985,
9 c. 147, §1 and c. 295, §41, is repealed and the fol-
10 lowing enacted in its place:

11 §1452. Maine Occupational Information Coordinating
12 Committee

13 The Maine Occupational Information Coordinating
14 Committee, as established by Title 5, chapter 379,
15 shall support the development, maintenance and opera-
16 tion of a Comprehensive Career, Occupational and Eco-
17 nomical Data-based System and foster communication and
18 coordination of education, employment and training
19 programs through the use of the system. The commit-
20 tee shall consist of the Commissioner of Labor, the
21 Commissioner of Human Services, the Commissioner of
22 Educational and Cultural Services, the Director of
23 the State Development Office, the Director of the
24 State Planning Office, the chairmen of the Maine Job
25 Training Council, the State Board of Education and
26 the Board of Trustees of the Maine Vocational-Tech-
27 nical Institute System. The Commissioner of Labor and
28 the Commissioner of Educational and Cultural Services
29 may serve as the representatives of the chairmen of
30 the Maine Job Training Council and the State Board of
31 Education, respectively, upon the agreement of that
32 designation by the 2 agencies. The Commissioner of
33 Labor shall be the chairman of the committee with the
34 Department of Labor serving as the fiscal agent for
35 the committee.

36 Sec. 16. 32 MRSA §1202, sub-§1, ¶A, as repealed
37 and replaced by PL 1981, c. 670, is amended to read:

38 A. For a journeyman electrician's or limited li-
39 cense, at least 8,000 hours of service as an ap-
40 prentice or helper electrician or at least 8,000
41 hours of experience in electrical installations

1 as defined in section 1101, and satisfactory com-
2 pletion of a program of study comprising 576
3 hours as approved by the Electricians' Examining
4 Board and completion of a course of not less than
5 45 hours in the current National Electrical Code,
6 the course to be approved by the board. A gradu-
7 ate of a regional vocational high school 2-year
8 electrical program approved by the Electricians'
9 Examining Board shall be eligible to write the
10 journeyman's examination, as long as he has
11 worked for 8,000 hours in the field of electrical
12 installations under the supervision of a master
13 electrician or the equivalent. Graduates of an
14 electrical program approved by the Electricians'
15 Examining Board at a vocational-technical insti-
16 tute shall be eligible to write the journeyman's
17 examination and after passage of the examination
18 and after they have worked for 4,000 hours in the
19 field of electrical installations under the su-
20 per vision of a master electrician or equivalent
21 shall receive a journeyman's license. Any person
22 who has at least 2 years' service as an appren-
23 tice or helper electrician may take the examina-
24 tion for a journeyman's or limited license and
25 shall receive a license if he passes, provided
26 that he was licensed as an apprentice or helper
27 electrician under subsection 3 on January 1,
28 1981, that he applies for the examination in ac-
29 cordance with section 1203 before January 1,
30 1983, and that he takes the examination within 6
31 months of his becoming eligible to do so. Upon
32 the effective date of this paragraph, the board
33 shall notify, by certified mail, return receipt
34 requested, all persons who were licensed as ap-
35 prentice or helper electricians on January 1,
36 1981, of the provisions of the preceding sen-
37 tence. For a master electrician's license, at
38 least 4,000 hours of service as a journeyman
39 electrician or at least 12,000 hours of service
40 as an apprentice or helper electrician or at
41 least 12,000 hours of experience in electrical
42 installations, as defined in section 1101, and
43 satisfactory completion of a program of study
44 comprising 576 hours as approved by the Electri-
45 cians' Examining Board and completion of a course
46 of not less than 45 hours in the current National
47 Electrical Code, the course to be approved by the
48 Electricians' Examining Board; and

1 Sec. 17. PL 1985, c. 497, §21, sub-§§8 to 12 are
2 enacted to read:

3 8. Personnel transferred. Personnel of the De-
4 partment of Educational and Cultural Services, Bureau
5 of Vocational Education assigned primarily to
6 post-secondary vocational and technical education ac-
7 tivities provided in this Act shall be transferred to
8 analogous positions within the support office of the
9 Maine Vocational-Technical Institute System, subject
10 to the approval of the board of trustees of the sys-
11 tem. Classified and unclassified employees assigned
12 to the vocational-technical institutes shall become
13 employees of the Maine Vocational-Technical Institute
14 System. The accrued fringe benefits of these person-
15 nel, including vacation and sick leave, health and
16 life insurance and retirement, shall remain with the
17 transferred personnel. The Department of Personnel
18 shall assist the Board of Trustees of the Maine Voc-
19 ational-Technical Institute System with the orderly
20 implementation of these provisions, to be completed
21 on or before July 1, 1987.

22 9. Allocation of Federal vocational education
23 act resources. In recognition of the fact that feder-
24 al vocational education policy assigns equal weight
25 to secondary and post-secondary vocational education,
26 of the fact that the Maine Vocational-Technical In-
27 stitute System represents the State's primary deliv-
28 ery mechanism for vocational and technical education
29 at the post-secondary level and of the fact that the
30 United States Carl D. Perkins Vocational Education
31 Act, Public Law 98-524, places a high priority on ec-
32 onomic development programming, which is a major goal
33 of the system, the Board of Trustees of the Maine
34 Vocational-Technical Institute System shall meet and
35 confer on a biennial basis with the State Board of
36 Education, which is the sole state agency responsible
37 for the administration of the State vocational educa-
38 tion program under the United States Carl D. Perkins
39 Vocational Education Act, to develop an appropriate
40 allocation of resources available through that Act,
41 or its successor, between the Bureau of Vocational
42 Education, or its successor, and the Maine Vocation-
43 al-Technical Institute System.

1 10. Bonds. The Board of Trustees of the Maine
2 Vocational-Technical Institute System shall assume
3 the responsibilities of the State Board of Education
4 and the Department of Educational and Cultural Ser-
5 vices with respect to vocational-technical institute
6 bonds, as described in Private and Special Law 1977,
7 chapter 106 and Private and Special Law 1967, chapter
8 168 and other bond issue acts.

9 11. Board of trustees. The members of the Board
10 of Trustees of the Maine vocational-technical insti-
11 tutes appointed pursuant to this Act shall serve as
12 members of the Board of Trustees of the Maine Voc-
13 ational-Technical Institute System until their ap-
14 pointed terms expire.

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

23 Sec. 18. Vocational-technical institute employ-
24 ees; reference to. All references in the public laws
25 of the State to vocational-technical institute em-
26 ployees shall be construed to refer to employees of
27 the Maine Vocational-Technical Institute System.

28 Sec. 19. Transition provisions. The board of
29 trustees may appoint an executive director and other
30 staff of the system as of the effective date of this
31 Act. The organization of the Vocational-Technical In-
32 stitute Support Office shall be accomplished in or-
33 derly stages and shall be completed on or before July
34 1, 1987. Except as otherwise provided by this Act,
35 all references in the public laws of the State to the
36 Board of Trustees of the Maine Vocational-technical
37 Institutes shall be construed to refer to the Board
38 of Trustees of the Maine Vocational-Technical Insti-
39 tute System. Except as otherwise provided by this
40 Act, the provisions of Public Law 1985, chapter 497,
41 shall remain in effect.

