

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)  
2 (After Deadline)  
3 SECOND REGULAR SESSION  
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5 ONE HUNDRED AND TWELFTH LEGISLATURE  
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7 Legislative Document

No. 2303

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9 H.P. 1632 House of Representatives, March 31, 1986  
10 Approved for introduction by a majority of the Legislative Council  
pursuant to Joint Rule 27.

11 Referred to the Committee on Education. Sent up for concurrence and  
ordered printed.

12 EDWIN H. PERT, Clerk

Presented by Speaker Martin of Eagle Lake.

Cosponsored by Senator Violette of Aroostook, Representative Theriault  
of Fort Kent and Representative McHenry of Madawaska.

13  
14 STATE OF MAINE  
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16 IN THE YEAR OF OUR LORD  
17 NINETEEN HUNDRED AND EIGHTY-SIX  
18

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19 AN ACT to Reorganize the Delivery of  
20 Vocational Education in Northern  
21 Aroostook County.  
22

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

26 Whereas, an improved system of delivering voca-  
27 tional education in northern Maine is considered vi-  
28 tually necessary; and

29 Whereas, this legislation must be in place well  
30 before the start of the next fiscal year to allow  
31 time to prepare the budget and to elect a cooperative  
32 board; and

33 Whereas, in the judgment of the Legislature,  
34 these facts create an emergency within the meaning of  
35 the Constitution of Maine and require the following

1 legislation as immediately necessary for the preser-  
2 vation of the public peace, health and safety; now,  
3 therefore,

4 Be it enacted by the People of the State of Maine as  
5 follows:

6 Sec. 1. 20-A MRSA §8452, first ¶, as enacted by  
7 PL 1981, c. 693, §§5 and 8, is amended to read:

8 The vocational regions shall be administered by a  
9 cooperative board organized as follows. Wherever  
10 provisions in this section conflict with language set  
11 forth in section 8452-A regarding the administration  
12 of Vocational Region 1, the language in section  
13 8452-A shall be controlling.

14 Sec. 2. 20-A MRSA §8452-A is enacted to read:

15 §8452-A. Administration of Vocational Region 1,  
16 northern Aroostook County

17 The administration of Vocational Region 1, north-  
18 ern Aroostook County, shall be in accordance with  
19 this section, notwithstanding any other provisions in  
20 this Title.

21 1. Duties of cooperative board. The cooperative  
22 board shall:

23 A. In consultation with the superintendents of  
24 the member units, develop a region plan for the  
25 delivery of vocational education which is subject  
26 to approval by the state board in accordance with  
27 section 8306;

28 B. Receive and respond to the vocational budget  
29 recommendations of each member administrative  
30 unit for the delivery of the vocational education  
31 program or programs each unit is authorized to  
32 provide under the plan developed pursuant to par-  
33 agraph A; and

34 C. Receive and act on the nominations from the  
35 superintendents of individuals to serve as the  
36 region's coordinator and as members of the  
37 region's central staff.

1           2. Duties of superintendents. The superintend-  
2 ents of the member school administrative units shall:

3           A. Develop a regional plan jointly with the co-  
4 operative board for the delivery of vocational  
5 education;

6           B. Individually develop budgets to fund the vo-  
7 cational education program or programs to be op-  
8 erated by each respective member unit and submit  
9 the proposed budget to the cooperative board for  
10 review;

11          C. Nominate to the cooperative board names of  
12 individuals to serve as the region's coordinator  
13 and as members of the region's central staff;

14          D. Individually, supervise the program or pro-  
15 grams delivered in his administrative unit; and

16          E. Utilize a weighted vote, based upon popula-  
17 tion, when the superintendents act as one body.

18          3. Finances, cost-sharing, appeal, tuition.  
19 Cost-sharing appeal tuition payment shall be accord-  
20 ing to this subsection.

21          A. Each member administrative unit shall adopt a  
22 vocational education budget which shall include:

23                 (1) The cost of the vocational education  
24 program or programs identified in the  
25 region's plan to be delivered by that member  
26 administrative unit; and

27                 (2) That unit's share of the cost for the  
28 operation of the region's central office.

29          B. Costs to be shared by all member administra-  
30 tive units of the region shall be in accordance  
31 with a cost-sharing plan jointly adopted by the  
32 superintendents and the cooperative board.

33          C. A member administrative unit or the coopera-  
34 tive board may appeal to the commissioner the  
35 budget proposed by another unit for the delivery  
36 of program or programs in the latter unit if it

1 sets forth a claim that the budget is insuffi-  
2 cient to meet the cost of operating the identi-  
3 fied program or programs and that there will be  
4 an irreparable, negative impact on the delivery  
5 of that program or programs in the region. Any  
6 cost-sharing plan adopted pursuant to paragraph B  
7 may also be appealed to the commissioner by a  
8 member administrative unit. The commissioner  
9 shall conduct an investigation and hold an infor-  
10 mal hearing, if he deems it to be necessary, and  
11 issue a written decision which shall include  
12 findings of fact. The commissioner's decision  
13 shall be final and binding.

14 D. A member administrative unit shall pay tui-  
15 tion to the unit where the program is offered at  
16 a rate not to exceed 150% of the State's second-  
17 ary school tuition rate; the tuition shall be  
18 prorated if the student is there part time.

19 4. Location of program or programs and school  
20 construction projects. Location of program or pro-  
21 grams and school construction projects shall be ac-  
22 cording to this subsection.

23 A. The region plan for the delivery of vocation-  
24 al program or programs within the region shall be  
25 organized around a decentralized format and shall  
26 be physically located, where possible, in school  
27 buildings owned or operated by member administra-  
28 tive units.

29 B. Where refurbishing, reconstruction or new  
30 construction is needed to meet the goals and ob-  
31 jectives of the region, that construction shall  
32 be linked to existing secondary school buildings  
33 where possible, by either retrofitting existing  
34 buildings, constructing additions to existing  
35 buildings or building new facilities within the  
36 same general geographic setting as existing sec-  
37 ondary schools. The site of a school construc-  
38 tion project may be located in a different geo-  
39 graphic setting if the unit's school board deter-  
40 mines that a separate setting best meets the  
41 needs of the vocational education program or pro-  
42 grams, or if there is inadequate space available  
43 at the site where the secondary school is lo-

1 cated. All school construction projects for vo-  
2 cational education in a member school administra-  
3 tive unit shall be considered a school construc-  
4 tion project solely of that administrative unit  
5 and not a project of the total region.

6 5. Transportation. Each member administrative  
7 unit shall be responsible for providing the transpor-  
8 tation needed to transport its students to the site  
9 or sites where the program or programs are being de-  
10 livered.

11 6. Teacher employment and other duties of member  
12 administrative units. Teacher employment and other  
13 duties of member administrative units shall be ac-  
14 cording to this subsection.

15 A. The member school administrative units which  
16 house the region's vocational program or programs  
17 shall be considered the employing unit of all  
18 teachers and other staff members necessary for  
19 the delivery of the program or programs in that  
20 unit. Teachers and other employees shall be gov-  
21 erned by the collective bargaining agreements of  
22 that member unit; except that, if any of their  
23 salaries as of July 1, 1986, exceed the salaries  
24 of comparable teachers or other employees in the  
25 same unit, they shall not suffer any decrease in  
26 pay, but shall remain at existing salary levels  
27 until the member unit's bargaining package either  
28 meets or exceeds their salaries.

29 B. The member administrative unit shall exercise  
30 the same authority over the delivery of the voca-  
31 tional program in that unit which it exercises  
32 over the rest of its educational program, except  
33 that the vocational curriculum included in the  
34 regional plan for the delivery of vocational edu-  
35 cation shall be established in conjunction with  
36 the cooperative board and the superintendents.  
37 The vocational budget shall be prepared by the  
38 cooperative board and the superintendents pursu-  
39 ant to subsections 1 and 2. The school board of  
40 a member administrative unit where a vocational  
41 program will be offered must give it final ap-  
42 proval for any program being offered in that  
43 unit.

1           7. Vocational Region 1 property. The region  
2 shall retain, lease or make such other arrangements  
3 as necessary to have only such equipment as is needed  
4 to operate the central office, which shall be located  
5 within available space in one of the buildings being  
6 utilized for the delivery of vocational education, if  
7 possible. All other assets, including buses, machin-  
8 ery, tools and materials of any nature shall be dis-  
9 tributed among the member administrative units in ac-  
10 cordance with a plan to be developed by the superin-  
11 tendents. The region shall retain ownership of any  
12 donated property which cannot be distributed to one  
13 of the member administrative units because of condi-  
14 tions attached to the donation. In developing a plan  
15 for the distribution of assets, the superintendent  
16 shall give priority to the need for equipment, tools  
17 and other materials needed for specific vocational  
18 program or programs, but shall otherwise attempt to  
19 distribute the assets in an equitable manner which  
20 reflects 1984-85 cost-sharing arrangement within the  
21 region. The superintendent shall adopt the plan on a  
22 weighted vote basis. If the superintendents cannot  
23 adopt a plan prior to July 1, 1986, the commissioner  
24 shall prepare a plan for the distribution of assets.  
25 The plan adopted either by the superintendents or the  
26 commissioner shall be final and binding.

27           Sec. 3. Priority consideration to school con-  
28 struction projects in certain regions. The State  
29 Board of Education is to give priority consideration  
30 to school construction projects in any vocational re-  
31 gion or center which has not had a school construc-  
32 tion project approved by the board, provided that the  
33 region or center has developed a 5-year plan for  
34 school construction needs and the plan has been ap-  
35 proved by the state board. The state board shall  
36 grant approval on a priority basis over a 5-year pe-  
37 riod ending August 1, 1991, for different phases of  
38 the school construction needs identified in the re-  
39 gion or center's 5-year plan.

40           Emergency clause. In view of the emergency cited  
41 in the preamble, this Act shall take effect when ap-  
42 proved, except that transition from the existing de-  
43 livery of vocational education in Vocational Region 1  
44 to the method set forth in this Act shall not occur  
45 until July 1, 1986, except for the election of a new

1 cooperative board and the preparation and adoption of  
2 an operating budget for the 1986-87 school year,  
3 which shall take effect upon approval of this Act.

4 STATEMENT OF FACT

5 The purpose of this bill is set out in the emer-  
6 gency preamble.

7 5731032586