

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 2347

6
7 H.P. 1665

House of Representatives, April 7, 1986

8 Reference to the Committee on Education suggested and 2,000 ordered
printed.

9 EDWIN H. PERT, Clerk

10 Presented by Representative Bost of Orono.

Cosponsored by Senator Baldacci of Penobscot and Senator Bustin of
Kennebec.

11
12 STATE OF MAINE
13

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

17 AN ACT to Change the Name of the University
18 of Maine to the State University of
19 Maine and to Clarify the Public Policy
20 on Higher Education.
21

22 Be it enacted by the People of the State of Maine as
23 follows:

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

26 B. Any board or commission of any state agency
27 or authority, the Board of Trustees of the State
28 University of Maine and any of its committees and
29 subcommittees, the administrative council of the
30 State University of Maine, the Board of Trustees
31 of the Maine Maritime Academy and any of its com-
32 mittees and subcommittees; and

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

1 E. Records, working papers, interoffice and in-
2 traoffice memoranda used by or prepared for fac-
3 ulty and administrative committees of the Maine
4 Maritime Academy and the State University of
5 Maine. The provisions of this paragraph do not
6 apply to the boards of trustees, the committees
7 and subcommittees of those boards, and the admin-
8 istrative council of the State University of
9 Maine, which are referred to in section 402, sub-
10 section 2, paragraph B.

11 Sec. 3. 1 MRSA §501-A, as amended by PL 1975, c.
12 746, §1, is further amended to read:

13 §501-A. Publications of state agencies

14 The publications of all agencies and the State
15 University of Maine and the Maine Maritime Academy
16 may be printed, bound and distributed, subject to Ti-
17 tle 5, sections 43 through 46. The State Purchasing
18 Agent may determine the style in which such publica-
19 tions may be printed and bound, with the approval of
20 the Governor. At least 55 copies of any annual or bi-
21 ennial report not included in the Maine State Govern-
22 ment Annual Report provided for in Title 5, sections
23 43 through 46, shall be delivered to the State Li-
24 brarian, immediately upon receipt by the State Pur-
25 chasing Agent for exchange and library use; the bal-
26 ance of the number of each such report shall be de-
27 livered by the State Purchasing Agent to the agency
28 preparing the report. At least 18 copies of all other
29 publications, including periodicals, bulletins,
30 pamphlets, leaflets and special reports issued by any
31 agency or by any legislative committee shall be de-
32 livered to the State Librarian. The agency or commit-
33 tee preparing a publication shall have the authority
34 to determine the date on which a publication may be
35 released, except as may be otherwise provided by law.

36 Sec. 4. 3 MRSA §312-A, sub-§12, as enacted by PL
37 1983, c. 160, §1, is amended to read:

38 12. Person. "Person" means an individual, busi-
39 ness, corporation, association, professional associa-
40 tion, labor union, firm, partnership, club or other
41 organization, whether profit or nonprofit, or any mu-
42 nicipality or quasi-municipality, but does not in-

1 clude this State, any agency of this State, the State
2 University of Maine or the Maine Maritime Academy.

3 Sec. 5. 3 MRSA §507, sub-§7, ¶B, as amended by
4 PL 1985, c. 481, Pt. A, §2, is further amended to
5 read:

6 B. The evaluations and analyses of the justifi-
7 cation reports for the programs of the following
8 Group D-2 departments shall be reviewed by the
9 Legislature no later than June 30, 1987:

10 (1) Board of Trustees of the State Univer-
11 sity of Maine;

12 (2) Board of Trustees of the Maine Maritime
13 Academy; and

14 (3) Department of Educational and Cultural
15 Services, except for the cultural bureaus,
16 Management Information Division, higher edu-
17 cation services and the Bryant Pond Conser-
18 vation School.

19 Sec. 6. 4 MRSA §451, as repealed and replaced by
20 PL 1985, c. 506, Pt. A, §1-A, is amended to read:

21 §451. Establishment

22 A Judicial Council, as established by Title 5,
23 section 12004, subsection 10, shall make a continuous
24 study of the organization, rules and methods of pro-
25 cedure and practice of the judicial system of the
26 State, the work accomplished and the results produced
27 by that system and its various parts. The council
28 shall be composed of the Chief Justice of the Supreme
29 Judicial Court, who shall also serve as chairman, the
30 Attorney General, the Chief Justice of the Superior
31 Court, the Chief Judge of the District Court, and the
32 Dean of the State University of Maine School of Law,
33 each to serve ex officio, and an Active or Retired
34 Justice of the Supreme Judicial Court, one Justice of
35 the Superior Court, one Judge of the District Court,
36 one Judge of a Probate Court, one clerk of the judi-
37 cial courts, 2 members of the bar and 6 laymen, to be
38 appointed by the Governor. The appointments by the
39 Governor shall be for such periods, not exceeding 4
40 years, as he shall determine.

1 Sec. 7. 5 MRSA §18, sub-§1, ¶B, as enacted by PL
2 1979, c. 734, §2, is amended to read:

3 B. "Executive employee" means the constitutional
4 officers, the State Auditor and compensated mem-
5 bers of the classified or unclassified service
6 employed by the Executive Branch, but it shall
7 not include:

8 (1) The Governor;

9 (2) Employees of and members serving with
10 the National Guard;

11 (3) Employees of the State University of
12 Maine, the Maine Maritime Academy and State
13 vocational-technical institutes; and

14 (4) Employees who are employees solely by
15 their appointment to an advisory body.

16 Sec. 8. 5 MRSA §43, 2nd and 3rd ¶¶, as repealed
17 and replaced by PL 1975, c. 436, §3, are amended to
18 read:

19 The administrative head or body of each agency
20 shall, on or before September 1st, annually, deliver
21 to the Governor a report of such agency during the
22 preceding fiscal year ending June 30th. An agency
23 using a fiscal year other than that used by the State
24 may report on the basis of its preceding fiscal year.
25 The Legislative branch, through the Legislative Coun-
26 cil, and the Judicial branch, through the Chief Jus-
27 tice of the Supreme Judicial Court, the State Univer-
28 sity of Maine and the Maine Maritime Academy, may al-
29 so submit reports of these branches of State Govern-
30 ment for the previous fiscal year.

31 The Governor shall immediately cause such reports
32 to be edited with regard to content, arrangement and
33 brevity, except that the constitutional officers
34 elected by the Legislature, the Legislative Council
35 and the Chief Justice and the State University of
36 Maine and the Maine Maritime Academy shall approve
37 any editing of their respective reports.

38 Sec. 9. 5 MRSA §45, as amended by PL 1977, c.
39 370, is further amended to read:

1 §45. Discontinuation of duplicate reports

2 Notwithstanding any other provision of law, the
3 Governor may discontinue the publication of any other
4 annual or biennial report which duplicates the report
5 material provided for in section 43, except for re-
6 ports of the constitutional officers elected by the
7 Legislature, and reports of the legislative and judi-
8 cial branches of government, the State University of
9 Maine and the Maine Maritime Academy. He may order
10 the publication of an expanded departmental report,
11 in standard format, in a limited quantity for record
12 purposes.

13 Notwithstanding any other provision of law, every
14 annual or biennial report required by statute to be
15 made by any agency other than constitutional officers
16 elected by the Legislature, the legislative and judi-
17 cial branches of government, the State University of
18 Maine and the Maine Maritime Academy, to the Governor
19 and the Legislature shall be made by inclusion of
20 that report in the Maine State Government Annual Re-
21 port. The Governor may authorize the publication of
22 special expanded department reports in a limited
23 quantity when justified.

24 Sec. 10. 5 MRSA §291, as enacted by PL 1967, c.
25 493, is amended to read:

26 §291. Creation

27 There is established a State Government Intern-
28 ship Program for attracting and placing qualified un-
29 dergraduate and graduate college students temporarily
30 within the State Government, to be administered by
31 the Bureau of Public Administration, State University
32 of Maine.

33 Sec. 11. 5 MRSA §294, first ¶, as enacted by PL
34 1967, c. 493, is amended to read:

35 The State Government Internship Program shall be
36 administered by the Bureau of Public Administration,
37 State University of Maine, whose duties shall include
38 the following:-

39 Sec. 12. 5 MRSA §555, first ¶, as amended by PL
40 1973, c. 633, §21, is further amended to read:

1 Whenever any employee, regularly employed in oth-
2 er than a temporary position for a period of at least
3 6 months by the State or by any department, bureau,
4 commission or office thereof, or by the State Univer-
5 sity of Maine, Vocational Technical Institutes voc-
6 ational-technical institutes, Maine School Building
7 Authority, Maine Turnpike Authority, Maine Guarantee
8 Authority or any other state or quasi-state agency,
9 or by any county, municipality, township or school
10 district within the State shall in time of war, con-
11 templated war, emergency or limited emergency, en-
12 list, enroll, be called or ordered, or be drafted in-
13 to the Armed Forces of the United States or any
14 branch or unit thereof, or shall be regularly drafted
15 under federal manpower regulations, he shall not be
16 deemed or held to have thereby resigned from or aban-
17 doned his said employment, nor shall he be removable
18 therefrom during the period of his service. Tempo-
19 rary for the purpose of this section shall be defined
20 to mean employment based on a seasonal or on-call ba-
21 sis or employment based on a contract of less than 6
22 months' duration.

23 Sec. 13. 5 MRSA §674, last ¶, as amended by PL
24 1975, c. 497, §3, is further amended to read:

25 This section shall apply to all examinations for
26 original positions in the State Police, the Depart-
27 ment of Inland Fisheries and Wildlife, the Department
28 of Marine Resources, the State University of Maine,
29 Vocational Technical Institutes vocational-technical
30 institutes, Maine School Building Authority, Maine
31 Turnpike Authority, Maine Guarantee Authority or any
32 other state or quasi-state agency.

33 Sec. 14. 5 MRSA §1222, sub-§6 is amended to
34 read:

35 6. Political subdivision. The term "political
36 subdivision" includes an instrumentality of the State
37 of Maine, of one or more of its political subdivi-
38 sions, the State University of Maine, academies, wa-
39 ter, sewer and school districts and associations of
40 municipalities, or an instrumentality of the State
41 and one or more of its political subdivisions, but
42 only if such instrumentality is a juristic entity
43 which is legally separate and distinct from the State

1 or subdivision and only if its employees are not by
2 virtue of their relation to such juristic entity em-
3 ployees of the State or subdivision.

4 Sec. 15. 5 MRSA §1552, sub-§6, as enacted by PL
5 1983, c. 655, is amended to read:

6 6. State agency. "State agency" means any body
7 of State Government authorized by law to adopt rules,
8 to issue licenses or to take final action in adjudi-
9 catory proceedings, including, but not limited to,
10 every authority, board, bureau, commission, depart-
11 ment or officer of the State Government so autho-
12 rized; but the term does not include the Governor,
13 courts, State University of Maine, Maine Maritime
14 Academy, school districts, special purpose districts
15 or municipalities, counties or other political subdivi-
16 sions of the State.

17 Sec. 16. 5 MRSA §1706, sub-§2, as enacted by PL
18 1977, c. 378, is amended to read:

19 2. State agency. "State agency" shall mean each
20 department and agency of State Government required to
21 comply with chapter 149, except that the term "state
22 agency" shall not include the State University of
23 Maine or the Maine Maritime Academy.

24 Sec. 17. 5 MRSA §1812, 2nd ¶, as amended by PL
25 1969, c. 300, §1, is further amended to read:

26 The trustees of the State University of Maine may
27 authorize the Department of Finance and Administra-
28 tion to act for them in any purchases.

29 Sec. 18. 5 MRSA §1853, as enacted by PL 1975, c.
30 322, §3, is amended to read:

31 §1853. Intergovernmental cooperation and assistance

32 The director, with the approval of the commis-
33 sioner, is authorized and empowered to enter into
34 such agreements with the Federal Government, the
35 State University of Maine and other agencies and or-
36 ganizations as will promote the objectives of this
37 chapter, and to accept funds from the Federal Govern-
38 ment, municipal and county agencies, or from any in-

1 individual or corporation to be expended for purposes
2 consistent with this chapter.

3 Sec. 19. 5 MRSA §1855, as amended by 1983, c.
4 812, §27, is further amended to read:

5 §1855. Computer Services Advisory Board

6 The Computer Services Advisory Board, established
7 by section 12004, subsection 10, shall consist of 15
8 members. The Governor shall appoint 2 members from
9 the private sector who shall be knowledgeable in the
10 science and administration of data processing ser-
11 vices, but who shall not be vendors of data process-
12 ing services to the State or vendors of data process-
13 ing equipment and supplies. The members from the
14 private sector shall be appointed to serve 4-year
15 terms; however, of these first members appointed, one
16 shall be appointed to serve for a 2-year term only.
17 The Chancellor of the State University of Maine shall
18 designate an employee of the university who shall be
19 knowledgeable in the science and administration of
20 data processing to be a member of the board. The
21 commissioners of the Departments of Human Services,
22 Transportation, Labor, Finance and Administration,
23 Educational and Cultural Services, Public Safety,
24 Mental Health and Mental Retardation and Corrections
25 and the Secretary of State shall each designate a
26 member of his department to serve on the board, ex-
27 cept that no member of the Bureau of Central Computer
28 Services may be a member of the board. The Director
29 of the State Planning Office or his designee shall be
30 a member of the board. At the beginning of each bien-
31 nium, the Governor shall designate 3 agencies from
32 those state agencies not already represented on the
33 board whose heads shall each designate a member of
34 their agencies to serve on the board.

35 The members of the board who are state employees
36 or employees of the State University of Maine and the
37 members appointed from the private sector shall be
38 compensated as provided in chapter 379 from funds of
39 the bureau.

40 Sec. 20. 5 MRSA §1903, last ¶, as amended by PL
41 1983, c. 580, §1, is further amended to read:

1 The restrictions regarding full-time employment
2 and payment at minimum wage shall not apply to the
3 cooperative education support program between the De-
4 partment of Mental Health and Mental Retardation and
5 the State University of Maine for the training of
6 psychologists.

7 Sec. 21. 5 MRSA §7002, sub-§2, ¶B, as enacted by
8 PL 1975, c. 481, §3, is amended to read:

9 B. The director may employ or engage such out-
10 side technical or professional consultants as may
11 be necessary or appropriate to assist the office
12 in carrying out its functions; and may enter into
13 contracts with other boards, commissions, depart-
14 ments and divisions of the State or with the
15 State University of Maine to assist him in carry-
16 ing out his duties under this chapter;

17 Sec. 22. 5 MRSA §8002, sub-§2, as amended by PL
18 1985, c. 490, §1, is further amended to read:

19 2. Agency. "Agency" means any body of State
20 Government authorized by law to adopt rules, to issue
21 licenses or to take final action in adjudicatory pro-
22 ceedings, including, but not limited to, every au-
23 thority, board, bureau, commission, department or of-
24 ficer of the State Government so authorized; but the
25 term shall not include the Legislature, Governor,
26 courts, State University of Maine, Maine Maritime
27 Academy, vocational-technical institutes, the Commis-
28 sioner of Educational and Cultural Services for
29 schools of the unorganized territory, school adminis-
30 trative units, special purpose districts or munici-
31 palities, counties or other political subdivisions of
32 the State.

33 Sec. 23. 5 MRSA §12004, sub-§8, ¶A, sub-¶(4) is
34 amended to read:

35 (4) Education Board of Trust- Expenses P&SL 1865 c
36 ees - State Only
37 University of
38 Maine

39 Sec. 24. 5 MRSA 12004, sub-§9, ¶A, sub-¶(15) is
40 amended to read:

1 (15) State Universi- Blueberry Expenses 36 MRSA
2 ty of Maine Advisory Only §4312
3 Committee

4 Sec. 25. 7 MRSA §121 is amended to read:

5 §121. Agricultural Experiment Station

6 The department of the State University of Maine
7 known and designated as the Maine Agricultural Exper-
8 iment Station, heretofore established at said the
9 university in connection therewith and under its di-
10 rection, for the purpose of carrying into effect an
11 Act of the Congress of the United States, approved
12 March 2, 1887, to establish agricultural experiment
13 stations in connection with the colleges established
14 in the several states under an Act approved July 2,
15 1862, and of the Acts supplementary thereto, shall be
16 maintained in accordance with the purposes for which
17 it was originally established.

18 Sec. 26. 7 MRSA §191, as amended by PL 1985, c.
19 283, §1, is further amended to read:

20 §191. Purpose

21 In order to aid in diffusing among the people of
22 this State useful and practical information on sub-
23 jects relating to agriculture and natural resources,
24 youth development, and home economics and community
25 life and to encourage the application of the same,
26 there may be inaugurated in each of the several coun-
27 ties of the State extension work which shall be car-
28 ried on in cooperation with the Trustees of the State
29 University of Maine and the University of Maine at
30 Orene.

31 Sec. 27. 7 MRSA §192, as amended by PL 1985, c.
32 283, §2, is further amended to read:

33 §192. Demonstrations and information

34 Cooperative extension work shall consist of the
35 giving of practical demonstrations in agriculture and
36 natural resources, youth development, and home eco-
37 nomics and community life and imparting information
38 on those subjects through field demonstrations, pub-

1 lications and otherwise. This work shall be carried
2 on in each county in such manner as may be mutually
3 agreed upon by the executive committee of the county
4 extension association provided for in section 193,
5 and the trustees of the State University of Maine,
6 the University of Maine at Oreano, or their duly ap-
7 pointed representatives.

8 Sec. 28. 7 MRSA §193, as amended by PL 1985, c.
9 283, §3, is further amended to read:

10 §193. County extension associations

11 For the purpose of carrying out this chapter,
12 there may be created in each county or combination of
13 2 counties within the State an organization to be
14 known as a "county extension association," and its
15 services available to all residents of a county.
16 Such county extension association shall have adopted
17 a constitution and set of bylaws acceptable to the
18 University of Maine at Oreano and they shall be recog-
19 nized as the official body within that county or
20 counties for carrying on extension work in agricul-
21 ture and natural resources, youth development, and
22 home economics and community life within that county
23 or counties in cooperation with the University of
24 Maine at Oreano. The county extension is viewed as a
25 unique and important educational program of county
26 government. The county extension association may make
27 such regulations and bylaws for its government and
28 the carrying on of its work as are not inconsistent
29 with that chapter, provided that one such organiza-
30 tion shall be formed in each county.

31 Sec. 29. 7 MRSA §195, as amended by PL 1985, c.
32 283, §5, is further amended to read:

33 §195. Annual reports

34 It shall be the duty of the county extension as-
35 sociation, annually, as required, to present its plan
36 of extension work for the ensuing year and to render
37 to both the trustees of the University of Maine at
38 Oreano and the county commissioners a full detailed
39 report of its extension activities for the preceding
40 fiscal year, including a detailed report of its re-
41 ceipts and expenditures from all sources. The finan-

1 cial report of such county extension association
2 shall be on such forms as may be prescribed by the
3 University of Maine at ~~Orono~~ and the county commis-
4 sioners.

5 Sec. 30. 7 MRSA §316, sub-§1, as enacted by PL
6 1985, c. 482, §2, is amended to read:

7 1. Other state agencies. The State Planning Of-
8 fice, the State Soil and Water Conservation Commis-
9 sion, the Finance Authority of Maine and the State
10 University of Maine shall cooperate with and assist
11 the commissioner in his efforts to assess regional
12 agricultural opportunities and constraints pursuant
13 to this chapter.

14 Sec. 31. 7 MRSA §321, sub-§3, as enacted by PL
15 1985, c. 438, is amended to read:

16 3. Role of the State University of Maine. All
17 agricultural research and demonstration activities
18 within the State should take advantage of the techni-
19 cal expertise resident in the land grant college sys-
20 tem. Testing and field demonstrations of new tech-
21 nologies should utilize the research and educational
22 expertise at the State University of Maine.

23 Sec. 32. 7 MRSA §322, sub-§2, as enacted by PL
24 1985, c. 438, is amended to read:

25 2. Program operation. The commissioner may es-
26 tablish a challenge grant program to test and demon-
27 strate new technologies related to the production,
28 storage and processing of Maine agricultural commodi-
29 ties. Applications may be submitted by commodity
30 groups, associations or individuals. Each proposed
31 new technology testing or demonstration project shall
32 include an appropriate role for the Maine Agricultur-
33 al Experiment Station, the Cooperative Extension Ser-
34 vice or other State University of Maine personnel to
35 assure the validity of test results and that demon-
36 stration information is appropriately distributed.
37 Criteria for grant awards, including specific techno-
38 logical problems and commodities to be addressed,
39 shall be established by rule in accordance with the
40 Maine Administrative Procedure Act, Title 5, chapter
41 375 and shall be guided by the following criteria:

1 A. In the case of research on new technologies,
2 awards shall be based on the technology's appar-
3 ent applicability, the quality of the research
4 design, impact of the proposed technology on re-
5 gional agricultural needs when defined under sec-
6 tion 314 and such other criteria as the commis-
7 sioner may establish;

8 B. In the case of technology demonstration
9 projects, awards shall be based on the
10 technology's potential economic benefit, espe-
11 cially in terms of any regional needs or opportu-
12 nities defined under section 314, the number of
13 producers involved in the demonstration project,
14 planned mechanisms for outreach and education and
15 such other criteria as the commissioner may es-
16 tablish; and

17 C. No more than \$5,000 may be awarded in any
18 fiscal year for a specific challenge grant pro-
19 gram and for each program for which an award is
20 made the grantee shall contribute in cash or in
21 kind an amount equal to at least 50% of the cost
22 of the program for the fiscal year for which the
23 award is made.

24 Sec. 33. 7 MRSA §412, first ¶, as enacted by PL
25 1977, c. 505, is amended to read:

26 The commissioner shall research and prepare in-
27 formation designed to develop and promote
28 direct-marketing. The commissioner shall consult with
29 the farm community, the faculty of the College of Ag-
30 riculture of the State University of Maine, and with
31 the various county extension agents in compiling in-
32 formation under this section. The information shall
33 include, but not be limited to, the following:

34 Sec. 34. 7 MRSA §414, sub-§3, as enacted by PL
35 1977, c. 505, is amended to read:

36 3. Referral. Referring farmers to other appro-
37 priate sources of assistance, such as the State Uni-
38 versity of Maine, College of Agriculture, the county
39 extension offices and the United States Department of
40 Agriculture.

1 Sec. 35. 7 MRSA §972, as amended by PL 1983, c.
2 812, §45, is further amended to read:

3 §972. Potato Marketing Improvement Committee

4 The commissioner shall appoint an advisory com-
5 mittee, as authorized by Title 5, section 12004, sub-
6 section 9, of 8 members to be known as the Potato
7 Marketing Improvement Committee. The Potato Marketing
8 Improvement Committee shall advise the commissioner
9 on the development and implementation of improved po-
10 tato marketing systems, including the modernization,
11 construction and operation of storage and central
12 packing facilities. The Potato Marketing Improvement
13 Committee shall also advise the commissioner concern-
14 ing the funding and expenditures of the Potato Mar-
15 keting Improvement Fund created pursuant to section
16 973. The Potato Marketing Improvement Committee shall
17 include one member representing the State University
18 of Maine, one member representing the Maine Potato
19 Council, one member representing the Maine Potato
20 Commission, one member representing the Maine Potato
21 Sales Association, one member representing the Far-
22 mers Home Administration, one member representing the
23 Farm Credit Service, one member representing the
24 State Development Office and one member representing
25 the public. Where the commissioner finds it appropri-
26 ate, the members representing the Farmers Home Admin-
27 istration and the Farm Credit Service may serve as a
28 loan review committee and advise him, on a confiden-
29 tial basis, on applications for funding.

30 Sec. 36. 7 MRSA §2103-B, as enacted by PL 1983,
31 c. 565, §1, is amended to read:

32 §2103-B. Foundation seed potato production areas

33 The commissioner may, upon the request of potato
34 growers in a specified area and in a manner consist-
35 ent with the Maine Administrative Procedure Act, Ti-
36 tle 5, chapter 375, designate "foundation seed potato
37 production areas" and, in consultation with the Seed
38 Potato Board, Cooperative Extensive Service, State
39 University of Maine Agricultural Experiment Station
40 and appropriate industry organizations, establish
41 within these areas such certified seed production
42 practices as he deems beneficial to the industry.

1 Sec. 37. 7 MRSA §2154, first ¶, as amended by PL
2 1983, c. 565, §6, is further amended to read:

3 The Seed Potato Board shall have the power and
4 authority to produce, or cause to be produced through
5 contract or otherwise, such acreages of foundation
6 seed potatoes of various varieties as it may from
7 time to time determine for distribution and sale to
8 the potato growers of this State. The commitments of
9 the board shall not exceed in the aggregate the
10 amount of funds which may be made available to it. In
11 addition, the board shall be advisory to and shall
12 have authority to work with and through the Maine Ag-
13 ricultural Experiment Station of the State University
14 of Maine and other public and private agencies, in
15 conducting and carrying on a program of production of
16 foundation seed potatoes annually. The board shall
17 have authority to purchase, own or otherwise acquire
18 farm real estate and farm equipment if necessary for
19 the purpose of producing acreages of foundation seed
20 potatoes or providing for the testing thereof, and
21 any salable material resulting from the ownership or
22 operation may be sold to the best advantage of the
23 board. The board shall have authority to sell or
24 otherwise convey farm real estate and farm equipment
25 no longer required for the purposes of this chapter.
26 Proceeds from the sale shall be credited to the oper-
27 ating account of the board.

28 Sec. 38. 10 MRSA §918, sub-§3, as amended by PL
29 1983, c. 636, is further amended to read:

30 3. Ex officio corporators. Ex officio corpora-
31 tors shall consist of the heads of the major state
32 departments and agencies and the Chancellor of the
33 State University of Maine. State department and agen-
34 cy heads shall include the following:

35 Treasurer of State;

36 Director of the State Planning Office;

37 Director of the State Development Office;

38 Commissioner of Agriculture, Food and Rural Re-
39 sources;

1 Commissioner of Business, Occupational and Pro-
2 fessional Regulation;

3 Commissioner of Conservation;

4 Commissioner of Educational and Cultural Ser-
5 vices;

6 Commissioner of Environmental Protection;

7 Commissioner of Finance and Administration;

8 Commissioner of Human Services;

9 Commissioner of Inland Fisheries and Wildlife;

10 Commissioner of Labor;

11 Commissioner of Marine Resources;

12 Commissioner of Mental Health and Mental Retarda-
13 tion;

14 Commissioner of Transportation;

15 Chief Executive Officer of the Finance Authority
16 of Maine;

17 Executive Director of the Maine Municipal Bond
18 Bank; and

19 Executive Director of the Maine State Housing Au-
20 thority.

21 Sec. 39. 10 MRSA §920, sub-§11, as enacted by PL
22 1977, c. 548, §1, is amended to read:

23 11. Cooperation with agencies and organizations.
24 Cooperate with and avail itself of the services of
25 governmental agencies and the State University of
26 Maine; and cooperate and assist and otherwise encour-
27 age organizations, local or regional, private or pub-
28 lic, in the various communities of the State in the
29 promotion, assistance and development of the business
30 prosperity and economic welfare of such communities
31 and the State; and

1 Sec. 40. 10 MRSA §984, sub-§2, ¶A, as amended by
2 PL 1985, c. 344, §29, is further amended to read:

3 A. In cooperation with the State University of
4 Maine and other state, local and federal agencies
5 or instrumentalities, conduct studies, including
6 studies concerning land use and availability, fi-
7 nancial management and marketing, to analyze the
8 situation and needs of those persons in the State
9 engaged in or wishing to enter natural resource
10 enterprises. The authority may develop plans and
11 recommendations as to its role and the role of
12 the State generally in facilitating the develop-
13 ment of natural resource enterprises;

14 Sec. 41. 17 MRSA §3956, first ¶, is amended to
15 read:

16 No person or individual ~~shall~~ may sell, utilize,
17 install or have installed within this State equip-
18 ment, devices or methods whereby fence wires may be
19 energized with electricity unless a standard type of
20 controller is used, which has the approval of the
21 Underwriter's Laboratories and carries such label
22 thereon or has the approved listing of the Department
23 of Industrial Cooperation at the State University of
24 Maine.

25 Sec. 42. 20-A MRSA §801, sub-§2, as enacted by
26 PL 1981, c. 693, §§5 and 8, is amended to read:

27 2. Membership. The committee shall consist of 7
28 members to be appointed by the Governor for a full
29 term of 5 years. One member shall be a representa-
30 tive of the department. One member shall be a repre-
31 sentative of the State University of Maine and the
32 remaining members shall be citizens of the State. A
33 vacancy in the membership shall be filled for the un-
34 expired term by appointment by the Governor.

35 Sec. 43. 20-A MRSA §803, sub-§§1 and 2, as en-
36 acted by PL 1981, c. 693, §§5 and 8, are amended to
37 read:

38 1. Recommendations. To recommend to the trust-
39 ees of the State University of Maine relating to the
40 appointment of professional, clerical or other as-

1 sistants, location of public broadcasting stations
2 and construction and equipment of those stations nec-
3 essary to carry out the purposes of this chapter; and

4 2. Programs. To advise the trustees of the
5 State University of Maine for the public broadcasting
6 programs to be transmitted by the network.

7 Sec. 44. 20-A MRSA §852, sub-§§1 and 2, as en-
8 acted by PL 1981, c. 693, §§5 and 8, are amended to
9 read:

10 1. Authority. The State University of Maine may
11 acquire real estate, construct, operate, manage and
12 equip radio, transmission and microwave television
13 facilities and interconnect with any other radio or
14 television network or station within or without this
15 State for the purpose of providing a statewide public
16 broadcasting network for the transmission of public
17 broadcasting to pupils in the schools, colleges, uni-
18 versity and adult audiences throughout the State.

19 2. Contracts. The State University of Maine may
20 enter into contracts for the construction of those
21 facilities, contracts for personal services necessary
22 for the management and operation of those facilities
23 and any other contracts deemed necessary to carry out
24 the purposes of this chapter.

25 Sec. 45. 20-A MRSA c. 411, first 2 lines are re-
26 pealed and the following enacted in its place:

27 CHAPTER 411

28 STATE UNIVERSITY OF MAINE

29 Sec. 46. 20-A MRSA §10901, sub-§§1 and 2, as en-
30 acted by PL 1981, c. 693, §§5 and 8, are amended to
31 read:

32 1. Trustees. "Trustees" means the Trustees of
33 the State University of Maine.

34 2. University. "University" means the State
35 University of Maine.

36 Sec. 47. 20-A MRSA §10902, as amended by PL
37 1983, c. 806, §§79 and 80, is repealed.

1 Sec. 48. 20-A MRS §10902-A is enacted to read:

2 §10902-A. Public policy on higher education

3 The following shall be the fundamental policies
4 adhered to in the State's public higher educational
5 planning:

6 1. Recognition. To recognize higher education
7 as an organized program of instruction, research and
8 service:

9 A. Primarily concerned with the field of or-
10 ganized knowledge, related theory and associated
11 practice;

12 B. Offered by a collegiate institution, not nec-
13 essarily of 4 years, authorized to award academic
14 degrees; and

15 C. Administered and systematically pursued on a
16 full-time or part-time basis by persons who have
17 completed secondary school or who demonstrate
18 equivalent competence;

19 2. Principles. To support the principles that
20 each higher educational institution in the State,
21 public and private:

22 A. Shall have control over its educational pro-
23 gram and related activities, within its board of
24 control;

25 B. That its faculty shall enjoy the freedom
26 traditionally accorded to the faculty of higher
27 educational institutions in teaching, research
28 and expression of opinions; and

29 C. That the faculty shall be consulted in the
30 formulation of academic policies pertaining to
31 it;

32 3. Cohesive system. To develop, maintain and
33 support a structure of public higher education in the
34 State which will assure the most cohesive system pos-
35 sible for planning, action and service in providing
36 higher educational opportunities, to which the high-
37 est priority for fiscal support shall be assigned;

1 4. Structure. To deliver a wide variety of edu-
2 cational services appropriate to the diverse needs of
3 the people of this State and avoid unnecessary dupli-
4 cation by maintaining distinct missions among the 4
5 major elements of the State University of Maine, in-
6 cluding:

7 A. The University of Maine;

8 B. The University of Southern Maine;

9 C. The regional baccalaureate colleges; and

10 D. The state community college program;

11 5. Programs. To provide in its higher educa-
12 tional institutions, or through cooperative arrange-
13 ments with private institutions or institutions out-
14 side the State, the programs of study, research or
15 experimentation determined by the Board of Trustees
16 of the State University of Maine to be of the highest
17 priority for the citizens of this State;

18 6. All citizens eligible. To recognize that all
19 citizens shall be considered eligible for the bene-
20 fits of appropriate higher education, whether they
21 are high school graduates or the equivalent, or those
22 seeking retraining or training for new careers;

23 7. Public funds. To assign a high priority in
24 the allocation of public funds to the development of
25 services, programs and institutions designed to pro-
26 vide opportunities for those regions and those per-
27 sons of the State who do not now share equitably in
28 the opportunities and advantages of higher education
29 because of limiting economic, social, educational and
30 cultural factors;

31 8. Financial support. To support financially
32 the programs of public higher educational institu-
33 tions through appropriations, grants and loans, based
34 on comprehensive plans and budgets, both short-term
35 and long-term;

36 9. Public accountability. To expect the Board
37 of Trustees of the State University of Maine to dem-
38 onstrate regularly that the educational programs they

1 offer are consistent with state needs and meet their
2 own standards of success;

3 10. Cooperative undertakings. To expect and re-
4 quest cooperative undertakings among the higher edu-
5 cational institutions, public and private, and be-
6 tween them and the business, industrial and labor in-
7 terests to further the development of quality and
8 quantity in educational programs and services and the
9 advancement of the State's economy;

10 11. Evaluation and research. To encourage the
11 Board of Trustees of the State University of Maine to
12 conduct a continuing program of evaluation and re-
13 search with respect to the higher educational needs
14 of the people in this State; and

15 12. Student mobility. To provide for greater
16 ease of movement by students between the various
17 units of the State University of Maine through a uni-
18 form system for numbering, describing and transfer-
19 ring credits for equivalent courses.

20 Sec. 49. 20-A MRSA §10902-A, first ¶, as enacted
21 by PL 1983, c. 799, §2, is amended to read:

22 The trustees, or their board representative,
23 shall appear annually, in January, before the Joint
24 Standing Committee on Education to report on efforts
25 by the ~~university system~~ State University of Maine to
26 comply with the state public policy on higher educa-
27 tion established by section 10902. That report shall
28 include, but need not be limited to, the following:

29 Sec. 50. 20-A MRSA §10902-B, as enacted by PL
30 1983, c. 799, §3, is amended to read:

31 §10902-B. Report by chancellor

32 The Chancellor of the State University of Maine
33 shall be invited by the Speaker of the House of Rep-
34 resentatives and the President of the Senate annual-
35 ly, in January, to appear before a joint session of
36 the Legislature to address the Legislature on the
37 state of the university system and such other matters
38 as the chancellor desires to bring to the
39 Legislature's attention.

1 Sec. 51. 20-A MRSA §10907, as enacted by PL
2 1983, c. 97, §3, is repealed.

3 Sec. 52. 20-A MRSA §10908, first ¶, as enacted
4 by PL 1983, c. 806, §82, is repealed.

5 Sec. 53. 20-A MRSA §11053, sub-§1, ¶A, as en-
6 acted by PL 1981, c. 693, §5 and 8, is amended to
7 read:

8 A. One shall be the current Chancellor of the
9 State University of Maine, ex officio;

10 Sec. 54. 20-A MRSA §11502, sub-§2, as enacted by
11 PL 1983, c. 422, §21, is amended to read:

12 2. Institution for higher education. "Institu-
13 tion for higher education" means any institution for
14 post-secondary or higher education, as defined in Ti-
15 tle 22, section 2053, subsection 4-B, the State Uni-
16 versity of Maine and, in addition, means any institu-
17 tion which awards an undergraduate or advanced de-
18 gree.

19 Sec. 55. 20-A MRSA §11514, as enacted by PL
20 1983, c. 422, §21, is amended to read:

21 §11514. State University of Maine

22 Notwithstanding any inconsistent provisions of
23 this chapter, and in addition to the option of pro-
24 viding low-cost financial assistance to qualified
25 students enrolled at the university through the Maine
26 Health and Higher Educational Facilities Authority
27 and a student loan corporation, the following provi-
28 sions shall apply to the State University of Maine.

29 1. Issuance of bonds. The ~~board of trustees~~
30 Board of Trustees of the State University of Maine
31 may provide, by resolution, at one time or from time
32 to time, for the issuance of revenue bonds and other
33 obligations and to loan the proceeds thereof to one
34 or more student loan corporations formed by the board
35 for the purposes of this chapter. Revenue bonds and
36 other obligations issued by the board of trustees and
37 shall be issued in the name of the State University
38 of Maine, shall be issued in accordance with this

1 chapter and shall be subject to the same limitations
2 and have the same exemptions as other bonds or obli-
3 gations issued under this chapter.

4 2. Powers. In addition to any other powers
5 granted by private and special legislation or general
6 law, the board of trustees shall have the same powers
7 as the Maine Health and Higher Educational Facilities
8 Authority, to the extent those powers are necessary
9 to meet the purposes of this chapter.

10 3. Security. Revenue bonds and other obliga-
11 tions issued under this chapter may be secured in
12 such fashion as the board of trustees, in its discre-
13 tion, deems appropriate. Revenue bonds and other ob-
14 ligations issued by the board of trustees under this
15 chapter shall not constitute a debt or liability of
16 the State, of any municipality or political subdivi-
17 sion of the State or a pledge of the faith and credit
18 of the State or of any municipality or political sub-
19 division, and shall contain on their face a statement
20 to that effect.

21 Sec. 56. 20-A MRSA §11608, sub-§3, as amended by
22 PL 1985, c. 228, is further amended to read:

23 3. State University of Maine; grant allocation.
24 The department may allocate up to 25% of the state
25 student incentive scholarship grants to eligible stu-
26 dents attending the State University of Maine, up to
27 2 1/2% to eligible students attending the Maine Mari-
28 time Academy and up to 2 1/2% to eligible students
29 attending the vocational-technical institutes. If
30 administration of the scholarship program does not
31 result in use of all the funds allocated for Maine
32 Maritime Academy or vocational-technical institute
33 students by October 1st of any school year, the de-
34 partment shall reallocate the unused funds for use by
35 eligible students attending the State University of
36 Maine. If the funds are reallocated, the total
37 amount of funds allocated for use by students attend-
38 ing the State University of Maine may exceed the per-
39 centage provided in this subsection. The balance of
40 funds shall be granted to eligible students attending
41 other eligible institutions of higher education.

42 Sec. 57. 20-A MRSA §12552, sub-§3, as enacted by
43 PL 1985, c. 472, is amended to read:

1 3. State post-secondary educational institution.
2 "Post-secondary educational institution" means the
3 State University of Maine, the Maine Maritime Academy
4 and the vocational-technical institutes.

5 Sec. 58. 20-A MRSA §12553, sub-§1, ¶D, as en-
6 acted by PL 1985, c. 497, §5, is amended to read:

7 D. One from the Board of Trustees of the State
8 University of Maine;

9 Sec. 59. 20-A MRSA §12555, sub-§7, as enacted by
10 PL 1985, c. 497, §5, is amended to read:

11 7. Promote cooperation and communication. To
12 promote cooperation and communication with the State
13 University of Maine system;

14 Sec. 60. 22 MRSA §1471-B, sub-§1, as amended by
15 PL 1983, c. 812, §119, is further amended to read:

16 1. Board established. The Board of Pesticides
17 Control is established by Title 5, section 12004,
18 subsection 5, within the Department of Agriculture,
19 Food and Rural Resources. The board shall be composed
20 of 7 members, appointed by the Governor, subject to
21 approval by the joint standing committee of the Leg-
22 islature having jurisdiction over the subject of ag-
23 riculture and confirmation by the Legislature. To
24 provide the knowledge and experience necessary for
25 carrying out the duties of the board, one person
26 shall be appointed who has practical experience and
27 knowledge in chemical use in the field of agricul-
28 ture, one who has practical experience and knowledge
29 in chemical use in the field of forest management, a
30 commercial applicator, a person from the medical com-
31 munity, a scientist from the State University of
32 Maine specializing in agronomy or entomology having
33 practical experience and knowledge of integrated pest
34 management and 2 persons appointed to represent the
35 public. The public members shall be selected to
36 represent different economic or geographic areas of
37 the State. The term shall be for 4 years, except
38 that of the initial appointees, 2 shall serve 4-year
39 terms, 2 shall serve 3-year terms, 2 shall serve
40 2-year terms and one shall serve a one-year term.
41 Any vacancy shall be filled by an appointment for the
42 remainder of the unexpired term.

1 Sec. 61. 22 MRSA §1578, sub-§3, ¶B, as enacted
2 by PL 1981, c. 333, is amended to read:

3 B. Any board or commission of any state agency
4 or authority, the Board of Trustees of the State
5 University of Maine and any of its committees and
6 subcommittees, the Administrative Council of the
7 State University of Maine, the Board of Trustees
8 of the Maine Maritime Academy and any of its com-
9 mittees and subcommittees; and

10 Sec. 62. 22 MRSA §2884 is amended to read:

11 §2884. Distribution of bodies

12 The board or its duly authorized agent may take
13 and receive such bodies, so delivered, and shall upon
14 receiving them after 7 days from the date of decease
15 distribute and deliver them to or among the schools,
16 physicians and surgeons in the following manner:
17 Those schools needing bodies for lectures and demon-
18 strations shall first be supplied as fast as practi-
19 cable, the number assigned to each to be based upon
20 the number of students in actual attendance, which
21 number shall be returned to the board at such times
22 as it shall direct. The board of distribution may
23 from time to time designate physicians or surgeons
24 who shall receive said bodies, applications to be
25 considered in the order of their receipt by said
26 board. Subject to this chapter, it shall be lawful
27 for the State University of Maine, Colby College,
28 Bates College and Bowdoin College or any recognized
29 medical school in New England to receive such bodies
30 for the promotion of medical education, which shall
31 be construed to include nursing training and premedi-
32 cal education.

33 Sec. 63. 22 MRSA §3775, sub-§§1 and 2, as en-
34 acted by PL 1981, c. 512, §16, are amended to read:

35 1. Services. Encourage the development and en-
36 sure coordination of training, education and
37 pre-apprenticeship programs, supportive services and
38 remedial and preparatory programs at the State Uni-
39 versity of Maine, the vocational-technical insti-
40 tutes, the Apprenticeship and Training Council and
41 other institutions and programs;

1 2. Placement. Encourage the State University of
2 Maine, the vocational-technical institutes and other
3 institutions and programs to promote opportunities
4 for educational placement for recipients who meet ad-
5 mission requirements; and

6 Sec. 64. 24-A MRSA c. 30, first 2 lines are re-
7 pealed and the following enacted in their place:

8 CHAPTER 30

9 ANNUITY AGREEMENTS WITH THE STATE UNIVERSITY OF MAINE

10 Sec. 65. 24-A MRSA §2571, as enacted by PL 1977,
11 c. 261, §2, is amended to read:

12 §2571. Eligibility

13 The State University of Maine may receive trans-
14 fers of property, conditioned upon its agreement to
15 pay an annuity to the transferer or his nominee, af-
16 ter obtaining from the superintendent a certificate
17 of authority to do so.

18 Sec. 66. 24-A MRSA §2572, first ¶, as enacted by
19 PL 1977, c. 261, §2, is amended to read:

20 The State University of Maine, hereafter in this
21 chapter called the "university," shall not transact
22 in this State the business described in this chapter
23 without first procuring a certificate of authority
24 from the superintendent for that purpose. Applica-
25 tion for this certificate shall be made on a form
26 prescribed by the commissioner accompanied by a fil-
27 ing fee of \$25. This certificate shall not be granted
28 until the university conforms to the requirements of
29 this chapter and the laws of this State prerequisite
30 to its issue. After its issue the university shall
31 continue to comply with the requirements of this
32 chapter and the laws of this State. Where a hearing
33 is held under this section the proceedings shall be
34 conducted in accordance with chapter 3 and the super-
35 intendent shall have all of the powers granted in
36 that chapter.

37 Sec. 67. 25 MRSA §1544, first ¶, as repealed and
38 replaced by PL 1975, c. 763, §7, is amended to read:

1 It shall be the duty of all state, county and mu-
2 nicipal law enforcement agencies, including those em-
3 ployees of the State University of Maine appointed to
4 act as policemen, to submit to the State Bureau of
5 Identification uniform crime reports, to include such
6 information as is necessary to establish a Criminal
7 Justice Information System and to enable the command-
8 ing officer to comply with section 1541, subsection
9 3. It shall be the duty of the bureau to prescribe
10 the form, general content, time and manner of submis-
11 sion of such uniform crime reports. The bureau shall
12 correlate the reports submitted to it and shall com-
13 pile and submit to the Governor and Legislature annu-
14 al reports based on such reports. A copy of such an-
15 nual reports shall be furnished to all law enforce-
16 ment agencies.

17 Sec. 68. 25 MRSA §2447-A, sub-§1, as enacted by
18 PL 1977, c. 639, §1, is amended to read:

19 1. Prohibition. No individual, partnership or
20 corporation ~~shall~~ may sell or offer for sale in this
21 State, in person, by mail or otherwise, any type of
22 cellulose fiber insulation unless that product is ei-
23 ther:

24 A. Certified by a nationally recognized testing
25 laboratory as meeting ASTM E-84, Class I require-
26 ments; or

27 B. Certified by the Department of Industrial Co-
28 operation, State University of Maine, as meeting
29 requirements comparable to ASTM E-84, Class I re-
30 quirements.

31 No individual, partnership or corporation ~~shall~~ may
32 sell or offer for sale in this State, in person, by
33 mail or otherwise, any cellulose fiber insulation
34 which does not conform to any rule established by the
35 State Fire Marshal under subsection 2. The Depart-
36 ment of Industrial Cooperation of the State Universi-
37 ty of Maine shall not be liable as a result of any
38 damage or injury caused by or arising out of the in-
39 stallation or use of insulation certified by the de-
40 partment.

41 Sec. 69. 26 MRSA §663, sub-§10, as enacted by PL
42 1979, c. 516, §2, is amended to read:

1 10. Public employees. "Public employees" are
2 considered employees within the meaning of this sec-
3 tion and include any person whose wages are paid by a
4 state or local public employer, including the State,
5 a county, a municipality, the State University of
6 Maine, a school administrative unit and any other po-
7 litical body or its political or administrative sub-
8 division. "Public employee" does not include any of-
9 ficer or official elected by popular vote or ap-
10 pointed to office pursuant to law for a specified
11 term or any person defined in subsection 7.

12 Sec. 70. 26 MRSA c. 12, first 2 lines, are re-
13 pealed and the following enacted in their place:

14 CHAPTER 12

15 STATE UNIVERSITY OF MAINE LABOR RELATIONS ACT

16 Sec. 71. 26 MRSA §1021, as amended by PL 1985,
17 c. 506, Pt. B, §20, is further amended to read:

18 §1021. Purpose

19 It is declared to be the public policy of this
20 State and it is the purpose of this chapter to pro-
21 mote the improvement of the relationship between pub-
22 lic employers and their employees by providing a uni-
23 form basis for recognizing the right of the State
24 University of Maine employees, Maine Maritime Academy
25 employees and vocational-technical institute employ-
26 ees to join labor organizations of their own choosing
27 and to be represented by such organizations in col-
28 lective bargaining for terms and conditions of em-
29 ployment.

30 Sec. 72. 26 MRSA §1022, sub-§3, as amended by PL
31 1975, c. 671, §4, is further amended to read:

32 3. Board of Trustees. "Board of Trustees" means
33 the Board of Trustees of the State University of
34 Maine or the Board of Trustees of the Maine Maritime
35 Academy.

36 Sec. 73. 26 MRSA §1022, sub-§11, as amended by
37 PL 1985, c. 506, Pt. B, §22, is further amended to
38 read:

1 11. University, academy or vocational-technical
2 institute employee. "University, academy or vocation-
3 al-technical institute employee" means any regular
4 employee of the State University of Maine, the Maine
5 Maritime Academy or vocational-technical institutes
6 performing services within a campus or unit, except
7 any person:

8 A. Appointed to office pursuant to statute;

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

12 C. Whose duties necessarily imply a confidential
13 relationship with respect to matters subject to
14 collective bargaining as between such person and
15 the university or the academy; or

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

18 Sec. 74. 27 MRSA §377, as enacted by PL 1981, c.
19 55, §7, is amended to read:

20 §377. Protection of site location information

21 In order to protect the site from unlawful exca-
22 vation or harm, any information on the location or
23 other attributes of any site in the possession of the
24 Maine Historic Preservation Commission, the State Mu-
25 seum Bureau, the Bureau of Parks and Recreation, oth-
26 er state agencies or the State University of Maine
27 may be deemed by the Maine Historic Preservation Com-
28 mission or State Museum Bureau to be confidential and
29 exempt from Title 1, chapter 13. Such data shall be
30 made available for the purpose of archaeological re-
31 search. The directors of the Maine Historic Preserva-
32 tion Commission and the State Museum Bureau shall
33 jointly adopt rules establishing standards and proce-
34 dures for obtaining the data, and may impose reason-
35 able requirements on its use, including requirements
36 of confidentiality.

37 Sec. 75. 29 MRSA §256, sub-§4, as enacted by PL
38 1977, c. 142, is amended to read:

1 4. State University of Maine vehicles. The Sec-
2 retary of State is authorized to register vehicles
3 owned by the State University of Maine without the
4 payment of registration fees prescribed by this Ti-
5 tle. Such vehicles shall display registration plates
6 of a design determined by the Secretary of State.

7 Sec. 76. 30 MRSA §5057, sub-§1, ¶A, as enacted
8 by PL 1983, c. 477, Pt. E, sub-Pt. 27, is amended to
9 read:

10 A. On or before September 30, 1984, and for each
11 succeeding year, the Commissioner of Finance and
12 Administration shall provide to the Treasurer of
13 State a list of state-owned buildings in each mu-
14 nicipality, along with the total floor space of
15 state-owned buildings in each municipality and
16 the share of floor space of all state-owned
17 buildings accounted for by the state-owned build-
18 ings in each municipality.

19 (1) The following state buildings shall not
20 be included in the calculation provided by
21 this section:

22 (a) Buildings in which the State holds
23 only a leasehold interest;

24 (b) Buildings owned by the Bureau of
25 Parks and Recreation and for which pay-
26 ments are made under Title 12, section
27 602, subsection 4;

28 (c) Buildings owned by the State Uni-
29 versity of Maine;

30 (d) Buildings owned by the Maine Mari-
31 time Academy; and

32 (e) Buildings owned by the vocational-
33 technical institutes established by Ti-
34 tle 20-A, section 10103.

35 Sec. 77. 32 MRSA §2001, first ¶, as amended by
36 PL 1983, c. 812, §214, is further amended to read:

1 The Arborist Examining Board, as established by
2 Title 5, section 12004, subsection 1, within the De-
3 partment of Business, Occupational and Professional
4 Regulation and called "the board," shall administer
5 this chapter and shall consist of 6 members. The
6 Governor shall appoint 4 members as follows: Two mem-
7 bers shall be licensed commercial arborists, each of
8 whom shall have been continuously engaged in practice
9 as licensed commercial arborists for a period of 10
10 years prior to his appointment; one member shall be a
11 plant pathologist who is either on the state or State
12 University of Maine staff and part of whose work is
13 concerned with trees; and one member shall be a rep-
14 resentative of the public. The remaining 2 members
15 shall be selected by the Director of the Bureau of
16 Forestry from the Bureau of Forestry and shall be ex
17 officio members.

18 Sec. 78. 32 MRSA §4101-A, first ¶, as amended by
19 PL 1979, c. 221, §1, is further amended to read:

20 The commission shall prescribe curricula and
21 standards for educational programs to prepare entry
22 level students for the real estate profession, and
23 shall issue a certificate of approval to such educa-
24 tional programs within the State of Maine as meet the
25 requirements of this chapter and of the commission.
26 At least every 2 years, the commission shall thor-
27 oughly review each approved educational program prior
28 to reissuing a certificate of approval for such pro-
29 gram. Nothing in this section shall may be construed
30 to grant the commission any authority over any such
31 programs conducted by the State University of Maine,
32 any other public higher educational institution or
33 any institution authorized by law to grant a degree.

34 Sec. 79. 36 MRSA §318, first ¶ is amended to
35 read:

36 The State Tax Assessor may establish, either on
37 his own initiative or in conjunction with profession-
38 al or educational agencies, or both, a program of
39 training to meet the needs of the State of Maine for
40 a sufficient supply of competently trained assessors.
41 Where possible, such training shall be conducted by
42 the Bureau of Public Administration of the State Uni-
43 versity of Maine or an institution of higher educa-

1 tion. For such purposes, the State Tax Assessor may
2 designate what programs either within or outside the
3 State are acceptable for these training purposes.

4 Sec. 80. 36 MRSA §576-B, 4th ¶, as enacted by PL
5 1977, c. 549, §5, is amended to read:

6 The State Tax Assessor shall be authorized to
7 procure assistance in making his determinations from
8 the State University of Maine and such state agencies
9 as he may arrange.

10 Sec. 81. 36 MRSA §4311-A, sub-§3, as enacted by
11 PL 1983, c. 836, §8, is amended to read:

12 3. Research and extension educational programs.
13 Thirty percent of the funds collected, but not to ex-
14 ceed \$85,000, shall be dedicated to the State Univer-
15 sity of Maine for the purpose of supplementing its
16 research and extension programs related to improved
17 methods of growing, harvesting, processing and mar-
18 keting of blueberries. The Maine Blueberry Commis-
19 sion may allocate additional funds to the State Uni-
20 versity of Maine or other organizations for research
21 and extension programs as may be appropriate to im-
22 plement the purposes of this section; and

23 Sec. 82. 36 MRSA §4312, first ¶, as amended by
24 PL 1985, c. 75, and c. 295, §55, is repealed and the
25 following enacted in its place:

26 A Blueberry Advisory Committee, as authorized by
27 Title 5, chapter 379, shall be appointed by the Maine
28 Blueberry Commission. The committee shall consist of
29 7 members who are active in and representative of the
30 blueberry industry. The duty of the committee shall
31 be to advise and work with the State University of
32 Maine to develop and approve a plan of work and bud-
33 gets for research and extension programs related to
34 the production and marketing of blueberries.

35 Sec. 83. 36 MRSA §5276-A, sub-§1, as enacted by
36 PL 1981, c. 504, §4, is amended to read:

37 1. Generally. Any agency of the State, including
38 the State University of Maine, which is authorized to
39 collect from any individual or corporation a liqui-

1 dated debt greater than \$25 shall notify in writing
2 the State Tax Assessor and supply information neces-
3 sary to identify the debtor whose refund is sought to
4 be set off. The State Tax Assessor, upon any such
5 notification, shall assist the requesting agency by
6 setting off that debt, pursuant to rules promulgated
7 by the State Tax Assessor, against any refund to
8 which that individual or corporation is entitled un-
9 der this Part.

10 Sec. 84. 38 MRSA §603-B, sub-§3, as enacted by
11 PL 1985, c. 498, §1, is amended to read:

12 3. Acid rain impact study. The department shall
13 complete a study covering the following areas:

14 A. A resampling and measuring of the response of
15 the State's lakes located in sensitive geologic
16 areas;

17 B. An identification of sensitive receptor areas
18 throughout the State based on, but not limited
19 to, the following criteria: Geology; elevation;
20 lake size; watershed area; and aquatic and ter-
21 restrial flora;

22 C. An assessment of the impact of acid deposi-
23 tion on the growth and productivity of the
24 State's forest resources; and

25 D. A determination through long-range modeling
26 techniques of the contribution of both in-state
27 sources and out-of-state sources to acid rain
28 deposition in the State.

29 In preparing this study, the department shall coordi-
30 nate with and utilize as fully as possible the re-
31 search being conducted at the University of Maine at
32 ~~Orono~~ and research conducted by the United States En-
33 vironmental Protection Agency regarding the acid rain
34 problem. Results of this study shall be reported to
35 the Legislature, together with recommendations for
36 further actions, no later than January 31, 1987.

37 Sec. 85. 39 MRSA §23, sub-§2, as amended by PL
38 1985, c. 446, §4, is further amended to read:

1 2. By furnishing satisfactory proof to the Su-
2 perintendent of Insurance of his solvency and finan-
3 cial ability to pay the compensation and benefits,
4 and deposit cash, satisfactory securities or a secu-
5 rity bond, with the Workers' Compensation Commission,
6 in such sum as the superintendent may determine pur-
7 suant to subsection 6; such bond to run to the Treas-
8 urer of State and his successor in office, and to be
9 conditional upon the faithful performance of this Act
10 relating to the payment of compensation and benefits
11 to any injured employee. In case of cash being depos-
12 ited, it shall be placed at interest by the Treasurer
13 of State, and the accumulation of interest on said
14 cash or securities so deposited shall be paid to the
15 employer depositing the same. The superintendent may
16 at any time, upon not less than 3 days notice and
17 following hearing, for cause deny to an employer the
18 right to continue in the exercise of the option
19 granted by this section.

20 As an alternative to the method described in the
21 first paragraph of this subsection, an eligible em-
22 ployer may establish an actuarially funded trust,
23 funded at a level sufficient to discharge those obli-
24 gations incurred by the employer pursuant to this Act
25 as they become due and payable from time to time,
26 provided that the value of trust assets shall be at
27 least equal to the present value of such incurred
28 claims. The trust asset shall consist of cash or
29 marketable securities of a type and risk character as
30 specified in subsection 7, and shall have a situs in
31 the United States. In all other respects, the trust
32 instrument, including terms for certification, fund-
33 ing, designation of trustee and pay out shall be as
34 approved by the superintendent; provided, that the
35 value of the trust account shall be actuarially cal-
36 culated at least annually and adjusted to the re-
37 quired level of funding. For purposes of this para-
38 graph, an "eligible employer" is one who is found by
39 the superintendent to be capable of paying compensa-
40 tion and benefits required by this Act and:

41 A. Has positive net earnings; or

42 B. Can demonstrate a level of working capital
43 adequate to its operating needs.

1 Notwithstanding any provision of this section or
2 chapter, any bond or security deposit required of a
3 public employer which is a self-insurer shall not ex-
4 ceed \$50,000, provided that such public employer has
5 a net worth equal to or in excess of \$25,000,000 and
6 a state-assessed valuation equal to or in excess of
7 \$300,000,000. "Public employer" includes the State,
8 the State University of Maine, counties, cities and
9 towns.

10 In his consideration of a self-insuring entity's ap-
11 plication for authorization to operate a plan of
12 self-insurance, the superintendent may require or
13 permit an applicant to employ valid risk transfer by
14 the utilization of primary excess insurance. Stan-
15 dards respecting the application of primary excess
16 insurance shall be contained in a regulation promul-
17 gated by the superintendent pursuant to the Maine Ad-
18 ministrative Procedure Act, Title 5, chapter 375.
19 Primary excess insurance shall be defined as insur-
20 ance covering workers' compensation exposures in ex-
21 cess of risk retained by a self-insurer.

22 Sec. 86. 39 MRSA §29, sub-§9, as enacted by PL
23 1985, c. 446, §5, is amended to read:

24 9. Exclusions. This section does not apply to
25 the State or the State University of Maine.

26 Sec. 87. P&SL 1865, c. 532, §1, first sentence,
27 as amended by P&SL 1897, c. 551, is further amended
28 to read:

29 Samuel E. Perley, N. T. Hill, Bradford Cummings,
30 Thomas S. Lang, Dennis Moore, William D. Dana, S. L.
31 Goodale, Robert Martin, Alfred S. Perkins, Joseph
32 Farwell, Seward Dill, Joseph Day, Ebenezer Knowlton,
33 Hannibal Hamlin, Charles A. Everett and William Wirt
34 Virgin, are hereby constituted a body politic and
35 corporate, by the name of the State University of
36 Maine, having succession as hereinafter provided,
37 with power to establish and maintain, subject to the
38 provisions and limitations of this ~~act~~ Act, such a
39 college as is authorized and provided for, by the ~~act~~
40 Act of the ~~eengress~~ Congress of the United States,
41 passed on the second day of July, in the year eigh-

1 teen hundred and sixty-two, entitled "an act donating
2 lands to the several states and territories, which
3 may provide colleges, for the benefit of agriculture
4 and the mechanic arts."

5 Sec. 88. P&SL 1865, c. 532, §1-A, as amended by
6 P&SL 1969, c. 238, §2, is further amended by adding
7 at the end a new sentence to read:

8 As used in this Act, unless the context otherwise in-
9 dicates, "university" means the State University of
10 Maine.

11 Sec. 89. P&SL 1865, c. 532, §1-B is enacted to
12 read:

13 Section 1-B. Structure of the system. To ensure
14 a range of educational services appropriate to the
15 diverse needs of the people of the State and to avoid
16 unnecessary duplication of activities, the State Uni-
17 versity of Maine shall consist of 4 major components:

18 A. The University of Maine, a full service land
19 and sea grant research university, offering a wide range
20 of undergraduate and graduate pro-
21 grams, offering graduate and professionl pro-
22 grams throughout the State according to priori-
23 ties set by the Board of Trustees and conducting
24 research and public service activities in accord-
25 ance with the commitment of the faculty and the
26 needs of the State;

27 B. The University of Southern Maine, a compre-
28 hensive urban university, offering a wide range
29 of undergraduate programs and a select set of
30 graduate programs; guided by a philosophy of
31 close cooperation with community organizations in
32 the design and delivery of all its programs;

33 C. Regional baccalaureate colleges at
34 Farmington, Fort Kent, Machias and Presque Isle,
35 offering teacher education programs, a select set
36 of additional baccalaureate programs determined
37 in accordance with regional needs and priorities
38 set by the Board of Trustees and guided by a
39 philosophy of cooperation with regional organiza-
40 tions, including vocational-technical institutes,

1 local schools and independent institutions of
2 higher education; and

3 D. The State Community College Program, centered
4 in Augusta, offering developmental and associate
5 degree programs on all campuses of the State Uni-
6 versity of Maine and guided by a philosophy of
7 providing every Maine citizen interested in high-
8 er education with the opportunity to acquire the
9 knowledge, skills and attitudes necessary for
10 successful completion of a college degree.

11 Sec. 90. P&SL 1865, c. 532, §4, first sentence,
12 as repealed and replaced by P&SL 1983, c. 33, is
13 amended to read:

14 The Board of Trustees of the State University of
15 Maine shall consist of 16 members.

16 Sec. 91. P&SL 1865, c. 532, §4, sub-§3, first
17 sentence, as enacted by P&SL 1983, c. 33, is amended
18 to read:

19 One of the members shall be a full-time student at
20 one of the campuses of the State University of Maine
21 at the time of appointment and shall be a permanent
22 resident of the State.

23 Sec. 92. P&SL 1865, c. 532, §4, sub-§3, 4th sen-
24 tence, as enacted by P&SL 1983, c. 33, is amended to
25 read:

26 The Governor shall nominate the student member from a
27 list of 5 eligible students submitted by the State
28 University of Maine organization of student govern-
29 ments.

30 Sec. 93. P&SL 1865, c. 532, §4, sub-§4, as en-
31 acted by P&SL 1983, c. 33, is amended to read:

32 4. Meetings of the Board of Trustees. The Board
33 of Trustees shall meet from time to time at each of
34 the various campuses of the State University of
35 Maine, whenever reasonably practical.

36 Sec. 94. P&SL 1865, c. 532, §4-A, as enacted by
37 P&SL 1967, c. 229, is amended by adding at the end a
38 new sentence to read:

1 The Board of Trustees shall have authority over the
2 naming of each campus of the State University of
3 Maine according to a uniform policy.

4 Sec. 95. P&SL 1865, c. 532, §4-C, last ¶, first
5 sentence, as amended by PL 1979, c. 541, Pt. B, §71,
6 is further amended to read:

7 Ownership of any real property formerly held by
8 Aroostook State College, Farmington State College,
9 Fort Kent State College, Gorham State College or
10 Washington State College, which is removed from edu-
11 cational use by the State University of Maine, may be
12 sold by the State University of Maine subject to the
13 approval of the Governor or may be conveyed by gift
14 by the State University of Maine to any entity in
15 whose ownership and use it will be exempt from real
16 estate taxation.

17 Sec. 96. P&SL 1865, c. 532, §4-D, 2nd sentence,
18 as enacted by P&SL 1967, c. 229, §3, is amended to
19 read:

20 Such election shall be made within 6 months after the
21 effective date of this Act on forms and in such man-
22 ner as the Board of Trustees of the State University
23 of Maine may direct.

24 Sec. 97. P&SL 1865, c. 532, §4-D, 9th sentence,
25 as enacted by P&SL 1969, c. 66, is amended to read:

26 The board of trustees shall have the final authority
27 in their efforts to work out, as well as may be, uni-
28 form personnel policies and procedures for all em-
29 ployees of the State University of Maine; except that
30 nothing contained herein in any way shall abrogate
31 the options for employment benefits in this section.

32 Sec. 98. P&SL 1865, c. 532, §4-F, as enacted by
33 P&SL 1969, c. 117, is amended to read:

34 Section 4-F. Contracts. The Board of Trustees
35 of the State University of Maine shall have authority
36 to authorize contracts with the State of Maine, or
37 any department or agency thereof, or any city, town,
38 district or other public instrumentality, on such
39 terms and conditions as they shall approve for the

1 furnishing to ~~said~~ the university of water and sewer
2 services. The term of any such contract may not ex-
3 ceed 50 years.

4 Sec. 99. P&SL 1865, c.532, §8-A, first ¶, as
5 amended by PL 1981, c. 470, Pt. B, §13, is further
6 amended to read:

7 The trustees of the State University of Maine,
8 may appoint persons to act as policemen who shall,
9 within the limits of the property owned by or under
10 the control of the university possess all of the pow-
11 ers of policemen in criminal cases and civil viola-
12 tions.

13 Sec. 100. P&SL 1865, c. 532, §9-A, first ¶, as
14 enacted by P&SL 1951, c. 97, is amended to read:

15 The ~~board of trustees~~ Board of Trustees of the State
16 University of Maine is hereby authorized to locate,
17 construct, equip and operate a college of medicine
18 and to set, establish and maintain standards of
19 teaching and scholarship therefor; provided, never-
20 theless, that ~~said~~ the location, construction, equip-
21 ment and operation shall meet the approval of and
22 that the standards of teaching and scholarship be at
23 least equal to standards approved by the Council on
24 Medical Education and Hospitals of the American Medi-
25 cal Association and of the Association of American
26 Medical Colleges; and provided further, that ~~said~~ the
27 board of trustees shall be under no duty to perform
28 any function under this section unless and until, in
29 its opinion, the ~~said~~ board has received or is as-
30 sured of sufficient funds either by gift from any
31 source or by appropriation by the State of Maine to
32 successfully construct and operate such college of
33 medicine.

34 Sec. 101. P&SL 1897, c. 551, §1 is amended to
35 read:

36 Sec. 1. The name of the corporation known as
37 the Trustees of the State College of Agriculture and
38 the Mechanic Arts is hereby changed to the State Uni-
39 versity of Maine, and the ~~said~~ State University of
40 Maine shall have all the rights, powers, privileges,
41 property, duties and responsibilities, which belong
42 or have belonged to the ~~said~~ trustees.

1 Sec. 102. Resolves 1985, c. 52, first ¶ is
2 amended to read:

3 Special commission created. Resolved: The Sen-
4 ate concurring, that a Special Commission to Study
5 Teacher Training in the University of Maine System,
6 referred to as the commission, be established to re-
7 view teacher preparation programs at the campuses of
8 the State University of Maine, report its findings to
9 the people of the State and make recommendations to
10 the ~~First~~ Second Regular Session of the 113th Legis-
11 lature; and be it further

12 Sec. 103. Resolves 1985, c. 52, 3rd ¶ from the
13 end is amended to read:

14 Report to the Legislature. Resolved: That the
15 commission shall report its recommendations, includ-
16 ing recommendations for changes, if any, to the ~~First~~
17 Second Regular Session of the 113th Legislature. The
18 report shall include any necessary implementing leg-
19 islation, estimates of the cost of implementation and
20 possible funding options; and be it further

21 Sec. 104. Revision clause. Whenever in the Pri-
22 vate and Special Laws the words "University of Maine"
23 and "university" used as an abbreviation for Univer-
24 sity of Maine appear, they shall mean "State Univer-
25 sity of Maine;" the words "University of Maine at
26 Orono" appear, they shall mean "University of Maine."

27 STATEMENT OF FACT

28 The purpose of this bill is to change the name
29 and designate the University of Maine as State Uni-
30 versity of Maine.

31 The bill makes numerous changes in the charter of
32 the university and in the Maine Revised Statutes in
33 order to accomplish that program.

34 Resolves 1985, chapter 52 create a Special Com-
35 mission to Study Teacher Training in the University
36 of Maine System. The resolve which was originally
37 introduced and acted on by the Legislature in the

1 First Regular Session of the 112th Legislature re-
2 quired a report by the commission to the First Regu-
3 lar Session of the 113th Legislature in 1987. Be-
4 cause the bill was not approved by the Governor until
5 February 1986, it will not go into effect until July
6 1986. Given the heavy workload assigned to the com-
7 mission, a report to the next session in 1987 will
8 not be feasible. This bill delays the reporting date
9 one year to the Second Regular Session of the 113th
10 Legislature.

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