

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 902

H.P. 660

House of Representatives, March 23, 1989

Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Speaker MARTIN of Eagle Lake.

Cosponsored by Representative O'DEA of Orono, Representative PARADIS of Augusta and Senator BUSTIN of Kennebec.

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STATE OF MAINE

---

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

---

An Act Regarding the Maine Vocational-Technical Institute System.

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

3 **Sec. 1. 1 MRSA §402, sub-§2, ¶B,** as repealed and replaced by PL  
1987, c. 20, §1, is amended to read:

5 B. Any board or commission of any state agency or  
7 authority, the Board of Trustees of the University of Maine  
System, including the state technical colleges and any of  
9 its committees and subcommittees of the university, the  
Board of Trustees of the Maine Maritime Academy and any of  
11 its committees and subcommittees, ~~the Board of Trustees of~~  
~~the Maine Vocational-Technical-Institute-System and any of~~  
13 ~~its committees and subcommittees;~~ and

15 **Sec. 2. 1 MRSA §402, sub-§3, ¶E,** as repealed and replaced by PL  
1987, c. 402, Pt. A, §1, is amended to read:

17 E. Records, working papers, interoffice and intraoffice  
19 memoranda used by or prepared for faculty and administrative  
committees of the Maine Maritime Academy, ~~the Maine~~  
21 ~~Vocational-Technical-Institute-System~~ and the University of  
Maine System. The provisions of this paragraph do not apply  
23 to the boards of trustees and the committees and  
subcommittees of those boards, which are referred to in  
25 subsection 2, paragraph B.

27 **Sec. 3. 3 MRSA §507, sub-§10, ¶B,** as repealed and replaced by  
PL 1987, c. 769, Pt. A, §4, is amended to read:

29 B. Unless continued or modified by law, the following Group  
31 G-2 independent agencies shall terminate, not including the  
grace period, no later than June 30, 1990. The Board of  
33 Emergency Municipal Finance, the Finance Authority of Maine  
and the Maine Municipal Bond Bank shall not terminate, but  
35 shall be reviewed by the Legislature no later than June 30,  
1990:

- 37 (1) Board of Emergency Municipal Finance;
- 39 (2) Finance Authority of Maine;
- 41 (3) Maine Municipal Bond Bank;
- 43 (4) State Liquor Commission;
- 45 (5) Capitol Planning Commission;
- 47 (6) State Board of Property Tax Review;
- 49 (7) ~~Maine Vocational-Technical-Institute~~  
51 ~~System;~~

1 (8) Maine Commission for Women; and

3 (9) Maine Human Rights Commission.

5 **Sec. 4. 5 MRSA §18, sub-§1, ¶B**, as amended by PL 1987, c. 735,  
7 §4 and PL 1987, c. 784, §1, is repealed and the following enacted  
in its place:

9 B. "Executive employee" means the constitutional  
11 officers, the State Auditor and compensated members of the  
classified or unclassified service employed by the Executive  
13 Branch, but it shall not include:

15 (1) The Governor;

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

19 (3) Employees of the University of Maine System and  
the Maine Maritime Academy;

21 (4) Employees who are employees solely by their  
23 appointment to an advisory body;

25 (5) Members of boards listed in chapter 379, who are  
27 required by law to represent a specific interest,  
except as otherwise provided by law; and

29 (6) The executive director of the school designated by  
31 the Legislature as the Maine Conservation School.

33 **Sec. 5. 5 MRSA §285, sub-§1, ¶F-1**, as amended by PL 1987, c.  
735, §5, is repealed and the following enacted in its place:

35 F-1. Any former employee of the Maine Vocational-Technical  
37 Institute System whose position was transferred to the  
University of Maine System;

39 **Sec. 6. 5 MRSA §931, sub-§1, ¶II**, as amended by PL 1985, c.  
41 481, Pt. A, §7, is further amended to read:

43 H. Officers and employees of the unorganized territory  
45 school system; the teachers, administrators and professional  
47 employees of the ~~state-vocational-technical-institutes~~ and  
the Governor Baxter School for the Deaf; and the teachers,  
administrators and professional employees of school systems  
in other state institutions;

49 **Sec. 7. 5 MRSA §1507, sub-§4-A**, as amended by PL 1985, c. 497,  
51 §1, is further amended to read:

1           4-A. State technical colleges. The Governor may allocate  
3 funds from such account in amounts not to exceed in total the sum  
of \$100,000 in any fiscal year to provide funds for any unusual  
5 and unforeseen needs as may arise in the operation of the  
~~veational-technical---institutes~~ state technical colleges.  
7 Allocations may be made from this fund by the Governor only upon  
the written request of the Board of Trustees of the ~~Maine~~  
~~Veeational-technical-Institutes~~ University of Maine System and  
9 after consultation with the State Budget Officer.

11           **Sec. 8. 5 MRSA §1507, sub-§5-A**, as amended by PL 1987, c. 816,  
Pt. N, §2, is further amended to read:

13           5-A. Job development training. The Governor may allocate  
15 funds from such account in amounts not to exceed in total the sum  
of \$1,000,000 to provide funds for any unusual, unforeseen or  
17 extraordinary needs for state assistance in creating jobs by  
assisting in meeting the training requirements of labor intensive  
19 new or expanding industries. Allocations for this purpose may be  
made from this fund by the Governor only upon the written request  
21 of the Commissioner of Labor and the Commissioner of Economic and  
Community Development and after consultation with the State  
23 Budget Officer. The commissioners' request to the Governor shall  
be formulated subsequent to their consultation with the  
25 Commissioner of Educational and Cultural Services, ~~the-Director~~  
~~of---the---Maine---Vocational-Technical---Institute---System~~ Vice  
27 Chancellor of the University of Maine System for the  
Administration of the State Technical Colleges and the director  
29 of the appropriate service delivery area as defined by the Job  
Training Partnership Act.

31           **Sec. 9. 5 MRSA §1893, sub-§8, ¶A**, as repealed and replaced by  
33 PL 1987, c. 701, §4, is amended to read:

35           A. The data and information subject to the exchange  
procedure shall include:

37                   (1) Employment data, including employment by the  
39 Standard Industrial Classification Code and by  
occupation;

41                   (2) Wage data by the Standard Industrial  
43 Classification Code and by occupation;

45                   (3) Income data, including personal and business  
income;

47                   (4) Housing data, particularly data to measure the  
49 extent of the availability of affordable housing for  
low-income and moderate-income households throughout  
51 the State;

- 1 (5) Levels of education of the work force;
- 3 (6) Enrollments in secondary vocational-regional  
5 ~~centers and the Vocational-Technical-Institute-System~~  
state technical colleges;
- 7 (7) Enrollments of Maine residents in colleges and  
9 universities located inside and outside the State;
- 11 (8) Job training, including participants and types of  
13 programs;
- 15 (9) Business financing data;
- 17 (10) General assistance data, including state and  
19 municipal assistance;
- 21 (11) Business growth and change, including business  
23 expansions, new businesses and business closings;
- 25 (12) Changes in land use from an undeveloped status to  
27 a developed status;
- 29 (13) Investments in business in this State which shall  
31 be differentiated in accordance with the Standard  
33 Industrial Classification Code;
- 35 (14) Business usage of electrical power,  
37 differentiated according to Standard Industrial  
39 Classification Code standards;
- 41 (15) Data by which employment and unemployment  
43 patterns, poverty and low-income patterns and  
45 economically distressed communities and regions can be  
47 determined; and
- 49 (16) Taxation data maintained by the Bureau of  
51 Taxation.

41 **Sec. 10. 5 MRSA §7051, sub-§4**, as amended by PL 1987, c. 402,  
43 Pt. A, §55, is further amended to read:

45 4. **Employees in military service; substitutes.** Whenever  
47 any employee, regularly employed in other than a temporary  
49 position for a period of at least 6 months by the State or by any  
51 department, bureau, commission or office of the State, or by the  
University of Maine System, ~~vocational-technical--institutes~~  
including the state technical colleges, Maine School Building  
Authority, Maine Turnpike Authority, Finance Authority of Maine  
or any other state or quasi-state agency, or by any county,  
municipality, township or school district within the State shall

1 in time of war, contemplated war, emergency or limited emergency,  
2 enlist, enroll, be called or ordered or be drafted into the Armed  
3 Forces of the United States or any branch or unit thereof, or  
4 shall be regularly drafted under federal manpower regulations, he  
5 the employee shall not be deemed or held to have thereby resigned  
6 from or abandoned his employment, nor shall he the employee be  
7 removable during the period of his service. "Temporary," for the  
8 purpose of this section means employment based on a seasonal or  
9 on-call basis or employment based on a contract of less than 6  
10 months' duration.

11  
12 A. An employee subject to this section, while in the Armed  
13 Forces of the United States or still employed after draft  
14 under federal manpower regulations, shall be considered as  
15 on leave of absence without pay and, for the purpose of  
16 computing time in regard to pension rights, annual and sick  
17 leave accumulation and seniority, shall be considered during  
18 the period of his federal service as in the service of the  
19 governmental agency by which he the employee was employed at  
20 the time of his entry into federal service. The employee,  
21 if he the employee reports for duty within a 90-day period  
22 from the date of separation under conditions other than  
23 dishonorable from the Armed Forces of the United States or  
24 if receiving treatment in a hospital at the time of his  
25 separation, he the employee reports for duty within 90 days  
26 from his discharge from the hospital, shall:

27  
28 (1) If still qualified to perform the duties of that  
29 position, be restored to that position or to a position  
30 of like seniority, status and pay; or

31  
32 (2) If not qualified to perform that position by  
33 reason of disability sustained during service, but  
34 qualified to perform duties of any other position in  
35 the employ of his the preservice employer, be restored  
36 to such other position the duties of which he the  
37 employee is qualified to perform as will provide him  
38 the employee like seniority, status and pay, or the  
39 nearest approximation consistent with the circumstances  
40 in his the employee's case.

41  
42 B. Any employee restored to a position under this section  
43 shall not be discharged from that position without cause  
44 within one year after restoration to that position.

45  
46 C. This section shall apply to any such employee entering  
47 the Armed Forces of the United States under Public Law 759  
48 80th Congress (Selective Service Act of 1948) or while said  
49 Public Law 759 or any amendment thereto or extension thereof  
50 shall be in effect.

51  
52 D. Rights to reemployment, credits toward retirement under  
53 the Maine State Retirement System and vacation or sick leave  
54 accumulation shall not be allowed beyond the period of the  
55 first enlistment or induction, but in no event beyond 4

1 years from the date of his the original call to active duty  
2 in the Armed Forces of the United States, except if his the  
3 employee's return to active duty in the Armed Forces or the  
4 extension of his the employee's period of service beyond 4  
5 years is required by some mandatory provision and he the  
6 employee shall present proof satisfactory to the agency  
7 concerned.

9 E. When a permanent classified employee is on extended  
10 leave, a substitute may be employed, subject to personnel  
11 rules, until return or separation of the incumbent.

13 **Sec. 11. 5 MRSA §7054, sub-§4**, as amended by PL 1987, c. 402,  
14 Pt. A, §§56 and 57, is further amended to read:

15  
16 4. **Retention preference.** In any reduction in personnel in  
17 the state service, veteran preference employees shall be retained  
18 in preference to all other competing employees in the same  
19 classification with equal seniority, status and service ratings.

21 In determining qualifications for examination and appointment  
22 with respect to veteran preference eligibles under this section,  
23 the director or other examining agency may waive requirements as  
24 to age, height and weight, provided that any such requirement is  
25 not essential to the performance of the duties of the position  
26 for which examination is given. The director or other examining  
27 agency, after giving due consideration to the recommendation of  
28 any accredited physician, may waive the physical requirements in  
29 the case of any veteran, provided that the veteran is, in the  
30 opinion of the director or other examining agency, physically  
31 able to discharge efficiently the duties of the position for  
32 which the examination is given.

33  
34 This section applies to all examinations for original positions  
35 in the State Police, Department of Inland Fisheries and Wildlife,  
36 Department of Marine Resources, University of Maine System,  
37 ~~veational-technical--institutes~~ including the state technical  
38 colleges, Maine School Building Authority, Maine Turnpike  
39 Authority, Finance Authority of Maine or any other state or  
40 quasi-state agency.

41  
42 **Sec. 12. 5 MRSA §8002, sub-§2**, as amended by PL 1985, c. 779,  
43 §22, is further amended to read:

44  
45 2. **Agency.** "Agency" means any body of State Government  
46 authorized by law to adopt rules, to issue licenses or to take  
47 final action in adjudicatory proceedings, including, but not  
48 limited to, every authority, board, bureau, commission,  
49 department or officer of the State Government so authorized; but  
50 the term shall not include the Legislature, Governor, courts,  
51 University of Maine System, including the state technical  
52 colleges, Maine Maritime Academy, ~~veational-technical~~  
53 ~~institutes~~, the Commissioner of Educational and Cultural Services



1 for schools of the unorganized territory, school administrative  
2 units, special purpose districts or municipalities, counties or  
3 other political subdivisions of the State.

5 **Sec. 13. 5 MRSA §12004-C, sub-§3**, as enacted by PL 1987, c.  
786, §5, is repealed.

7  
9 **Sec. 14. 5 MRSA §15138, first ¶**, as amended by PL 1987, c. 769,  
Pt. A, §25, is further amended to read:

11 Agencies of State Government shall cooperate to assess the  
12 needs of zones and provide appropriate assistance to these  
13 zones. There shall be a committee composed of, at a minimum, the  
14 Commissioner of Economic and Community Development, Director of  
15 the State Planning Office, Commissioner of Transportation,  
16 Commissioner of Labor, Commissioner of Educational and Cultural  
17 Services, ~~Executive-Director-of-the-Maine-Vocational-Technical~~  
18 ~~Institute-System~~ the Vice Chancellor of the University of Maine  
19 System for the Administration of the State Technical Colleges,  
20 Chief Executive Officer of the Finance Authority of Maine and the  
21 Director of the Maine State Housing Authority.

23 **Sec. 15. 5 MRSA §17001, sub-§11**, as amended by PL 1987, c.  
256, §1, is repealed and the following enacted in its place:

25 **11. Department.** "Department" means any department,  
26 commission, institution or agency of State Government. The state  
27 technical colleges shall be considered a department of State  
28 Government solely with respect to former employees of the Maine  
29 Vocational-Technical Institute System who are transferred to the  
30 University of Maine System as employees of the state technical  
31 colleges and who choose to remain as members of the Maine State  
32 Retirement System.

35 **Sec. 16. 5 MRSA §17001, sub-§40**, as repealed and replaced by  
PL 1987, c. 256, §3, is amended to read:

37 **40. State employee.** "State employee" means any regular  
38 classified or unclassified officer or employee in a department  
39 and ~~any employee of the Maine Vocational-Technical Institute~~  
40 ~~System~~, but does not include:

43 A. A judge, as defined in Title 4, section 1201 or 1301,  
44 who is now or later may be entitled to retirement benefits  
45 under Title 4, chapter 27 or 29;

47 B. A member of the State Police who is now entitled to  
48 retirement benefits under Title 25, chapter 195; or

49 C. A Legislator who is now or later may be entitled to  
50 retirement benefits under Title 3, chapter 29.

1 "State employee" includes former employees of the Maine  
3 Vocational-Technical Institute System who are transferred to the  
4 University of Maine System as employees of the state technical  
5 colleges and who choose to remain as members of the Maine State  
6 Retirement System.

7 **Sec. 17. 7 MRSA §212, sub-§3**, as enacted by PL 1983, c. 608,  
8 §2, is amended to read:

9  
10 3. **State or school purchaser.** "State or school purchaser"  
11 means any person who purchases foodstuffs for any state  
12 institution or agency, the ~~veational-teechnical-institutes~~ state  
13 technical colleges or the school districts of this State.

14 **Sec. 18. 10 MRSA §918, sub-§2**, as enacted by PL 1977, c. 548,  
15 §1, is amended to read:

16  
17 2. **Public sector corporators.** Public sector corporators  
18 shall be those agencies of government and other organizations  
19 providing support of at least \$50 annually to the foundation. For  
20 the ~~preposes~~ purposes of this chapter, public sector corporators  
21 shall include: ~~Munieipal~~ municipal and county government;  
22 councils of government; local and area development corporations;  
23 regional planning commissions; development districts; state  
24 agencies; higher educational facilities, including the components  
25 of the state university system, the Maine Maritime Academy,  
26 private colleges and post-secondary schools, and  
27 ~~veational-teechnical-institutes~~ the state technical colleges; and  
28 such other public or quasi-public entities as may be approved by  
29 the directors of the foundation.

30  
31 **Sec. 19. 10 MRSA §1478, sub-§1, ¶A**, as enacted by PL 1985, c.  
32 569, §2, is repealed.

33  
34 **Sec. 20. 14 MRSA §8102, sub-§4**, as amended by PL 1987, c. 11,  
35 §1, is further amended to read:

36  
37 4. **State.** "State" means the State of Maine or any office,  
38 department, agency, authority, commission, board, institution,  
39 hospital or other instrumentality thereof, including the Maine  
40 Turnpike Authority, the Maine Port Authority, the Maine  
41 ~~Vocational-Technical-Institute-System~~ University of Maine System,  
42 including the state technical colleges, the Maine Veterans' Homes  
43 and all such other state entities.

44  
45 **Sec. 21. 20-A MRSA §6359, sub-§1, ¶G**, as enacted by PL 1985,  
46 c. 771, §§2 and 7, is amended to read:

47  
48 G. "School" means any public or private, post-secondary  
49 school in the State including, but not limited to, colleges,  
50 state technical colleges, universities, ~~veational-teechnical~~  
51 ~~institutes~~ and schools for the health professions.

1                   Sec. 22. 20-A MRSA c. 319, as amended, is repealed.

3                   Sec. 23. 20-A MRSA c. 319-A is enacted to read:

5  
7                                   CHAPTER 319-A

9                                   MAINE FIRE TRAINING AND EDUCATION

11                   §9000-A. Definitions

13                   As used in this chapter, unless the context otherwise  
15                   indicates, the following terms have the following meanings.

17                   1. System. "System" means the University of Maine System.

19                   2. Vice Chancellor. "Vice Chancellor" means the Vice  
21                   Chancellor of the University of Maine System for the  
21                   Administration of the State Technical Colleges.

23                   §9001-A. Program

25                   The Vice Chancellor may establish programs to provide fire  
27                   training and education for members of municipal fire departments,  
29                   incorporated volunteer fire departments, industrial fire  
31                   brigades, institutional fire brigades and the general public, to  
33                   be known as the Maine Fire Training and Education Program.

35                   1. Voluntary participation. The Vice Chancellor may not  
37                   require participation in these programs by a member of a  
39                   municipal fire department, incorporated volunteer fire  
41                   department, industrial fire brigade, institutional fire brigades  
43                   or the general public nor use participation in Maine fire  
45                   training and education programs as a condition of eligibility to  
47                   receive funds for training and education programs.

49                   2. Fees. The Vice Chancellor may charge a fee for the  
51                   training and education of private industrial fire brigades. The  
                    amount of the fee shall reflect, but not be limited to,  
                    instructional, material and administrative costs.

§9002-A. Advisory committee

An advisory committee, established by Title 5, section  
                    12004, subsection 10, shall advise the Vice Chancellor in the  
                    administration of the Maine Fire Training and Education Program.

1. Establishment. The Vice Chancellor shall appoint a  
                    17-member advisory committee as follows:

- 1           A. One municipal chief, one call chief and one volunteer  
3           chief recommended by the Maine Fire Chiefs' Association,  
            Inc.;
- 5           B. One municipal firefighter, one call firefighter and one  
7           volunteer firefighter recommended by the Maine Federation of  
            Firefighters, Inc.;
- 9           C. One city or town manager and one selectman recommended  
11           by the Maine Municipal Association, Inc.;
- 13           D. One member of an industrial or institutional fire  
            brigade recommended by the Maine Safety Council;
- 15           E. One representative from the field of insurance  
17           recommended by the Maine Insurance Association, Inc.;
- 19           F. Two members recommended by the Maine Council of  
            Firefighters, Inc.;
- 21           G. One member of the general public;
- 23           H. Two members recommended by the Southern Maine Technical  
25           College Fire Science Craft Committee; and
- 27           I. Two members recommended by the Eastern Maine Technical  
            College Fire Science Craft Committee.
- 29           2. Term of office. Members shall be appointed for a term  
31           of 3 years.
- 33           3. Chair. The committee shall elect a member as chair.
- 35           4. Expenses. The members shall be compensated as provided  
            in Title 5, chapter 379.
- 37           5. Nonvoting representative. The system's State Fire  
39           Administrator for Maine fire training and education shall be a  
            nonvoting representative of the system at the committee meetings.
- 41           §9003-A. State agents for federal programs
- 43           This section applies to federal fire programs in the State.
- 45           1. State agent. The Vice Chancellor shall be the state  
47           agent to be contacted by the United States Fire Administration  
            about matters dealing with the Federal Fire Prevention and  
            Control Act of 1974, Public Law 93-498.
- 49           2. System; testing; certification. The system shall be the  
51           state testing agency for the National Professional Qualification

1 Board of the Joint Council of Fire Services Organizations. The  
2 Vice Chancellor may award certificates to personnel of municipal  
3 and incorporated volunteer fire departments using competency  
4 standards established by the Joint Council of Fire Services  
5 Organizations.

7 **Sec. 24. 20-A MRSA §10201**, as enacted by PL 1983, c. 320, §2,  
is amended to read:

9  
11 **§10201. Establishment**

13 The Energy Testing Laboratory of Maine, referred to in this  
chapter as "ETLM," is established at Southern Maine  
15 ~~Vocational-Technical-Institute~~ Technical College, referred to in  
this chapter as "~~SMVTI,~~" "SMTC," within the Department--of  
~~Educational-and-Cultural-Services~~ University of Maine System.

17  
19 **Sec. 25. 20-A MRSA §11608, sub-§3**, as amended by PL 1987, c.  
795, is further amended to read:

21 3. **State University of Maine System; grant allocation.** The  
23 department may allocate up to 25% of the state student incentive  
scholarship grants to eligible students attending the University  
of Maine System, up to 2 1/2% to eligible students attending the  
25 Maine Maritime Academy and up to 2 1/2% to eligible students  
attending the ~~vocational-technical--institutes~~ state technical  
27 colleges. The remaining 70% shall be granted to eligible students  
attending other eligible institutions of higher education. If  
29 administration of the scholarship program does not result in use  
of all the funds allocated for Maine Maritime Academy students,  
31 ~~vocational-technical-institute~~ state technical college students  
or eligible students attending other eligible institutions of  
33 higher education by November 15th of any school year, the  
department shall reallocate the unused funds for use by eligible  
35 students attending the University of Maine System. If the funds  
are reallocated, the total amount of funds allocated for use by  
37 students attending the University of Maine System may exceed the  
percentage provided in this subsection.

39  
41 **Sec. 26. 20-A MRSA §12552, sub-§3**, as amended by PL 1985, c.  
779, §57, is further amended to read:

43 3. **State post-secondary educational institution.**  
"Post-secondary educational institution" means the University of  
45 Maine System, including the state technical colleges, and the  
Maine Maritime Academy ~~and-the-vocational-technical-institutes~~.

47  
49 **Sec. 27. 20-A MRSA §12604, sub-§4**, as enacted by PL 1987, c.  
527, §2, is amended to read:

1           4. Community or junior college attendance. An advance  
2 tuition payment contract shall provide that the plan provide for  
3 the qualified beneficiary to attend an accredited  
4 ~~veational-technical-institute~~ state technical college, community  
5 or junior college before entering an accredited institution of  
6 higher education if the beneficiary chooses and that the contract  
7 may be terminated pursuant to section 12606 after completing the  
8 requirements for a degree at the ~~veational-technical-institute~~  
9 state technical college, community or junior college or before  
10 entering the state institution of higher education.

11           **Sec. 28. 20-A MRSA §12606, sub-§4**, as enacted by PL 1987, c.  
12 527, §2, is amended to read:

13           4. Certain conditions. Certain conditions are allowable  
14 pursuant to rules adopted by the board. The right to receive a  
15 refund shall not be authorized under the contract if the  
16 qualified beneficiary has completed more than 1/2 of the credit  
17 hours required by the state institution of higher education for  
18 the awarding of a baccalaureate degree. This provision shall not  
19 affect the termination and refund rights of a graduate of a  
20 ~~veational-technical-institute~~ state technical college, community  
21 or junior college.

22           **Sec. 29. 20-A MRSA §12607, sub-§§2 and 3**, as enacted by PL  
23 1987, c. 527, §2, are amended to read:

24           2. Amount of refund. The amount of a refund shall be  
25 reduced by the amount transferred to a ~~veational-technical~~  
26 ~~institute~~ state technical college, community or junior college on  
27 behalf of a qualified beneficiary when the contract is terminated  
28 as provided in section 12604, subsection 4, and by the amount  
29 transferred to a state institution of higher education on behalf  
30 of a qualified beneficiary.

31           3. Right to receive settlement fund. The right to receive  
32 a settlement fund shall not be authorized under the contract if  
33 the qualified beneficiary has completed more than 1/2 of the  
34 credit hours required by the state institution of higher  
35 education for the awarding of a baccalaureate degree.

36           A. This provision shall not affect the termination and  
37 refund rights of a graduate of a ~~veational-technical~~  
38 ~~institute~~ state technical college, community or junior  
39 college.

40           **Sec. 30. 20-A MRSA §12608, first ¶**, as enacted by PL 1987, c.  
41 527, §2, is amended to read:

42           An advance tuition payment contract may authorize a person,  
43 who is entitled under the advance tuition payment contract to  
44 terminate the contract, to direct payment of the settlement sum,  
45

1 pursuant to restrictions set forth in section 12605, subsection  
3 3, to an independent accredited degree-granting college or  
university or to a vocational-technical-institute state technical  
college, community or junior college.

5 Sec. 31. 20-A MRSA c. 431, as amended, is repealed.

7 Sec. 32. 20-A MRSA c. 431-A is enacted to read:

9 CHAPTER 431-A

11 STATE TECHNICAL COLLEGES

13 §12731. Definitions

15 As used in this chapter, unless the context otherwise  
17 indicates, the following terms have the following meanings.

19 1. Administrative council. "Administrative council" means  
the administrative council as defined in section 12740.

21 2. Board or board of trustees. "Board" or "board of  
23 trustees" means the Board of Trustees of the University of Maine  
System.

25 3. Chancellor. "Chancellor" means the Chancellor of the  
27 University of Maine System.

29 4. College or technical college. "College" or "technical  
college" means the state technical colleges within the University  
31 of Maine System established in section 12741.

33 5. President. "President" means a president of a state  
technical college.

35 6. Vice Chancellor. "Vice Chancellor" means the Vice  
37 Chancellor of the University of Maine System for the  
Administration of the State Technical Colleges.

39 §12732. Goals and mission

41 The primary goals of post-secondary vocational-technical  
43 education in this State are to create an educated, skilled and  
45 adaptable labor force which is responsive to the changing needs  
of the economy of the State and to promote local, regional and  
statewide economic development.

47 The basic mission of post-secondary vocational-technical  
49 education is to provide associate degree, diploma and certificate  
51 programs directed at the educational, occupational and technical  
needs of the State's citizens and the work-force needs of the  
State's employers.

53 §12733. Objectives

1           The objectives of the state technical colleges include, but  
3 are not limited to:

5           1. Long-term and short-term training. Providing, in close  
7 cooperation with the private sector, both the long-term education  
9 and training required for certain vocational and technical  
11 occupations and the short-term training necessary to meet  
13 specific private sector and economic development needs;

15           2. Statewide and regional planning and coordination.  
17 Coordinating, on a statewide and regional basis, the planning and  
19 operation of the post-secondary vocational and technical  
21 education programs offered by the colleges with the planning and  
23 operation of:

25           A. The college and university programs offered by the  
27 several other institutions of higher learning in the State;

29           B. The adult, continuing and community education programs  
31 overseen by the Department of Educational and Cultural  
33 Services, Division of Adult and Community Education, or its  
35 successor;

37           C. The secondary occupational and vocational education  
39 programs overseen by the Department of Educational and  
41 Cultural Services, Division of Secondary Vocational  
43 Education, or its successor;

45           D. The employment and training programs funded under the  
47 United States Job Training Partnership Act, Public Law  
49 97-300, or its successor, and overseen by the Department of  
51 Labor, Bureau of Employment, or its successor; and

E. The economic development programs overseen by the  
          Department of Economic and Community Development, or its  
          successor, and other economic development programs and  
          agencies throughout the State;

3. Job skills and flexibility. Providing each technical  
          college student with the opportunity to obtain job skills and an  
          understanding of how to adapt these skills to the requirements of  
          an evolving technology and a changing economy;

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



1           5. Adult training and retraining. Providing supplementary  
2 education programs designed to upgrade the skills of persons  
3 already employed or retrain persons for new employment  
4 opportunities;

5  
6           6. Special training and education. Providing, directly or  
7 through contractual or other arrangements, remedial and special  
8 training and education programs for disadvantaged and handicapped  
9 persons, designed to enable them to make maximum use of their  
10 aptitudes and abilities and achieve meaningful employment and  
11 economic self-sufficiency; and

12           7. Aid to Families with Dependent Children Program. In  
13 cooperation with the Department of Human Services, Division of  
14 Welfare Employment, providing, directly or through contractual or  
15 other arrangements, preparatory, educational and training  
16 programs for recipients of Aid to Families with Dependent  
17 Children, designed to enable them to achieve meaningful  
18 employment and economic self-sufficiency.

19  
20           §12734. Incorporation within university system

21  
22           The state technical colleges are hereby incorporated within  
23 the University of Maine System, under the jurisdiction of the  
24 Board of Trustees of the University of Maine System.

25  
26           §12735. Powers and duties

27  
28           The board of trustees has the powers and duties as provided  
29 in this section.

30           1. Powers. The board may:

31  
32           A. Sue or be sued. Service of process in any action shall  
33 be made by service upon the Vice Chancellor of the  
34 University of Maine System for the Administration of the  
35 State Technical Colleges, either in hand or by leaving a  
36 copy of the process at the office of the Vice Chancellor;

37  
38           B. Establish fees and charges. The board may establish and  
39 collect fees, tuition and other charges, including fees for  
40 the reasonable use of the college's facilities by others, as  
41 considered necessary by the board for the efficient  
42 administration of this chapter, to be credited to a separate  
43 fund and used for the purposes of this chapter;

44           C. Receive loans and grants. The board may receive and  
45 accept, from any source, loans, aid or contributions of  
46 money, property, labor or other things of value to be held,  
47 used or applied to carry out the purposes of this chapter,  
48 subject to the conditions upon which the loans, grants and  
49 contributions may be made, including, but not limited to,  
50

1 loans, grants or gifts from any federal agency or  
2 governmental subdivision or the State and its agencies;

3  
4 D. Receive, expend, allocate and transfer funds within the  
5 system, as necessary to fulfill the purposes of this  
6 chapter, in accordance with the biennial, line-category,  
7 operating budget. Cumulative transfers between line  
8 categories in excess of 10% of either the sending or the  
9 receiving category of the system operating budget shall be  
10 reported to the joint standing committee of the Legislature  
11 having jurisdiction over appropriations and financial affair  
12 matters and to the joint standing committee of the  
13 Legislature having jurisdiction over education matters  
14 before becoming effective;

15  
16 E. Except as otherwise provided in this chapter, invest any  
17 funds not needed for immediate use, including any funds held  
18 in reserve, in property and securities in which fiduciaries  
19 in the State may legally invest funds;

20  
21 F. Enter into any contracts, leases and agreements and any  
22 other instruments and arrangements that are necessary,  
23 incidental or convenient to the performance of its duties  
24 and the execution of its powers under this chapter;

25  
26 G. Purchase or acquire consumable supplies, materials and  
27 incidental services, through cash purchase, sole-source  
28 purchase orders, bids or contract, as necessary or  
29 convenient to fulfill the purposes of this chapter;

30  
31 H. Acquire by purchase, gift, lease or rent any property,  
32 lands, buildings, structures, facilities or equipment  
33 necessary to fulfill the purposes of this chapter. The board  
34 shall manage, rent, lease, sell and dispose of property,  
35 including lands, buildings, structures, equipment and  
36 facilities. Any revenues derived from these uses shall be  
37 credited to a separate fund to be used for the purposes of  
38 this chapter;

39  
40 I. Authorize the construction, maintenance, renovation,  
41 reconstruction or other necessary improvements of buildings,  
42 structures and facilities;

43  
44 J. Appoint or identify advisory committees to advise the  
45 board with respect to vocational and technical education and  
46 training policies and programs, procedures for modifying the  
47 programs of the colleges to meet the needs of the State's  
48 economy and the changing job market and the efficient  
49 operation of the colleges. These committees may include,  
50 but need not be limited to, the Maine Council on Vocational  
51 Education, authorized under the United States

1 Carl D. Perkins Vocational Education Act, Section 112,  
2 Public Law 98-524, or its successor; and

3 K. Delegate duties and responsibilities as necessary for  
4 the efficient operation of this chapter and may do any other  
5 acts or things necessary or convenient to carry out the  
6 powers expressly granted or reasonably implied in this  
7 chapter.

8  
9 2. Duties. The board shall:

10  
11 A. Develop and adopt policies for:

12  
13 (1) The creation and implementation of an integrated,  
14 comprehensive delivery system of post-secondary  
15 vocational-technical education throughout the State;

16  
17 (2) The operation and coordination of the technical  
18 colleges;

19  
20 (3) The coordination of programs and services of the  
21 technical colleges with programs and services of the  
22 University of Maine System;

23  
24 (4) Enabling and encouraging the colleges to respond  
25 to the needs of the private sector;

26  
27 (5) The activities and operation of the administrative  
28 council; and

29  
30 (6) The implementation of the duties of the Vice  
31 Chancellor of the University of Maine System for the  
32 Administration of the State Technical Colleges;

33  
34 B. Oversee the administration of the technical colleges;

35  
36 C. Develop and adopt bylaws for the regulation of its  
37 affairs and the conduct of its business and develop and  
38 adopt an official seal and alter it as necessary or  
39 convenient;

40  
41 D. Prepare and adopt a biennial, line-category, operating  
42 budget for presentation to the Governor and the Legislature,  
43 incorporating all projected expenditures and all resources  
44 expected or proposed to be made available to fund the  
45 operations of the system. The budget is to be used in  
46 support of any requests to the Legislature for General Fund  
47 appropriations that the board of trustees considers  
48 appropriate and necessary to supplement other resources  
49 available to the system and shall also serve as the  
50 foundation for an annual fiscal management plan for the  
51 technical colleges;

1  
3 E. Develop and adopt personnel policies and procedures for  
5 the technical colleges. The board of trustees, subject to  
7 applicable collective bargaining agreements, shall determine  
9 the qualifications, duties and compensation of the employees  
11 of the technical colleges and shall allocate and transfer  
13 personnel among the technical colleges as necessary to  
15 fulfill the purposes of this chapter. The board of trustees  
17 shall appoint the presidents and vice presidents, deans and  
19 directors of finance of the colleges. Title 5, chapter 71  
21 and the Civil Service Law as defined in Title 5, chapter  
23 372, do not apply to the system;

25 F. Offer courses of study, grant diplomas and certificates  
27 on completion of courses of study, confer associate degrees  
29 based on 2 years of instruction and establish qualifications  
31 for admission; offer short-term and on-site training to meet  
33 the needs of the private and public sectors and economic  
35 development and employment training programs; and offer  
37 adult education and continuing educational opportunities to  
39 meet the needs of nontraditional students and of adults who  
41 need training or retraining in response to changes in  
43 technology or the needs of the economy;

45 G. In cooperation with the Maine Job Training Council and  
47 the Bureau of Employment and Training Programs, or their  
49 successors, serve as an administrative agency for state  
51 education coordination and grant funds authorized under the  
United States Job Training Partnership Act, Section 123,  
Public Law 95-524, or its successor; and

H. In cooperation with the State Apprenticeship and  
Training Council, or its successor, take responsibility for:

35 (1) Related and supplemental instruction at the  
37 post-secondary and adult level for apprentices employed  
39 under apprenticeship programs registered and approved  
41 by the State Apprenticeship and Training Council;

43 (2) Coordinating instruction with work experiences; and

45 (3) Selecting teachers and coordinators for this  
47 related and supplemental instruction.

49 **§12736. Vice Chancellor**

51 The Chancellor, with the approval of the board of trustees,  
shall appoint a Vice Chancellor of the University of Maine System  
for the Administration of the State Technical Colleges. The Vice  
Chancellor must be qualified by education and experience and  
shall serve at the pleasure of the board of trustees.

1 §12737. Powers and duties of the Vice Chancellor

3 The Vice Chancellor has the powers and duties as provided in  
5 this section.

7 1. Powers. The Vice Chancellor may:

9 A. Develop policies, procedures, goals and objectives with  
11 respect to the operation of the colleges which must be  
13 reviewed by the Chancellor and approved by the board of  
15 trustees. The Chancellor shall work with the Vice  
17 Chancellor to develop policies and procedures, including  
19 goals and objectives, that are consistent with policies and  
21 procedures for the entire University of Maine System.

23 (1) The Vice Chancellor shall meet regularly with the  
25 administrative council to develop these policies and  
27 goals.

29 (2) The Chancellor shall review, comment and make  
31 suggestions with respect to any policies and procedures  
33 presented to the board under to this section;

35 B. Nominate persons for appointment by the board of  
37 trustees as presidents of the technical colleges.

39 (1) The Chancellor shall review and comment on the  
41 nominations placed before the board;

43 C. Delegate duties and responsibilities as necessary to  
45 administer this chapter; and

47 D. Recommend removal of administrators and staff of the  
49 technical colleges to the Chancellor and the board of  
51 trustees.

2. Duties. The Vice Chancellor shall:

A. Oversee the presidents and the staff of the technical  
colleges;

B. Under policies and standards developed by the board of  
trustees, evaluate the performance of the technical colleges  
and the presidents of the colleges. The Vice Chancellor  
shall make personnel recommendations to the Chancellor and  
the board of trustees;

C. As the representative of the board of trustees, meet and  
confer with representatives of the State Board of Education  
regarding the distribution or allocation of federal money  
for vocational education in the State under the United  
States Carl D. Perkins Vocational Education Act, Public Law

1           98-524, or its successor, and report the results to the  
2           board of trustees;

3           D. Assist the board of trustees in preparing the biennial  
4           operating budget for the technical colleges, as provided in  
5           section 12735, subsection 2, paragraph D;

6           E. Provide for an accounting system and procedures which  
7           will reflect and identify all appropriations, allocations,  
8           income and revenues and all expenditures of each college;

9           F. In cooperation with the administrative council,  
10           undertake long-range planning and research, including  
11           planning for construction, renovation and reconstruction  
12           projects and report findings and recommendations to the  
13           Chancellor and the board of trustees;

14           G. Promote cooperation among the technical colleges and  
15           prepare plans which must be reviewed by the Chancellor and  
16           approved by the board of trustees with respect to the  
17           coordination of programs, activities and personnel;

18           H. Promote cooperation and communication with the  
19           Department of Educational and Cultural Services and the  
20           Bureau of Employment and Training Programs, or their  
21           successors, with the University of Maine System and with  
22           other public and private educational and training  
23           institutions;

24           I. Work closely with other state and local agencies that  
25           affect vocational education, and promote consistent and  
26           coordinated policies, procedures and programs;

27           J. Work closely with the private sector in order to ensure  
28           that the colleges respond expeditiously to the needs of the  
29           private sector and the State's economy, particularly with  
30           respect to changing technology, industries and job training  
31           needs;

32           K. Undertake other duties as delegated by the board of  
33           trustees; and

34           L. Implement the mission, goals and objectives set forth in  
35           sections 12732 and 12733.

36           **§12738. Presidents of the technical colleges**

37           The Vice Chancellor shall nominate the presidents for review  
38           by the Chancellor and appointment by the board of trustees. The  
39           presidents must be qualified by education and experience and  
40           shall serve at the pleasure of the board of trustees.  
41

1 §12739. Powers and duties of the presidents of the technical  
3 colleges

5 The presidents shall implement the policies of the board of  
7 trustees and are responsible for the day-to-day operation of the  
9 technical colleges. The powers and duties of the presidents  
11 shall include the following.

13 1. Administration of the technical colleges. The  
15 presidents shall administer the colleges in a manner consistent  
17 with the mission, goals and objectives set forth in sections  
19 12732 and 12733. The presidents shall cooperate to provide  
21 vocational and technical education and training that best meet  
23 the needs of students, the private sector and the changing  
25 economy of the State.

27 2. Institute staff appointment. Under procedures and  
29 standards developed by the board of trustees, the presidents  
31 shall appoint the faculty and staff of the colleges, including  
33 professional and nonprofessional personnel.

35 3. Nomination of vice president. The president of each  
37 technical college shall nominate a vice president, deans and a  
39 director of finance for appointment by the board of trustees.

41 4. Staff oversight. The president shall oversee the  
43 administrators, faculty and staff of the colleges.

45 5. Personnel evaluation. Under policies and standards  
47 developed by the board of trustees, the presidents shall evaluate  
49 the performance of the administrators, faculty and staff of the  
51 colleges and make personnel recommendations to the Vice  
53 Chancellor and the board of trustees.

55 6. Assist in preparation of the budget. The presidents  
57 shall assist the board of trustees and the Vice Chancellor in  
59 preparing the budget for the colleges. Each president shall  
61 prepare a proposed line-item budget for the college that the  
63 president represents. A copy of each college's proposed budget  
65 shall be provided to the board of trustees and the Vice  
67 Chancellor for their examination. Nothing in this subsection may  
69 be construed to give the presidents approval authority for the  
71 budgets of the colleges.

73 7. Appointment of police officers. The presidents may  
75 appoint persons to act as police officers who, while within the  
77 limits of the property owned by or under control of the colleges,  
79 shall possess all the powers of police officers in criminal cases.

81 A. The board of trustees may establish guidelines by which  
83 each president may adopt rules for the control, movement and  
85 parking of vehicles within the limits of the property owned

1 by or under the control of the college. These rules may  
2 include special provisions for employees and students of the  
3 colleges. A president's rule shall be adopted or amended  
4 subject to the approval of the board of trustees and has the  
5 same force as a municipal ordinance. District courts may  
6 impose fines, not to exceed \$10, for each violation of these  
7 rules.

8 B. The board of trustees may adopt the provisions of Title  
9 30-A, section 3009, subsection 1, paragraph C, relating to  
10 prima facie evidence and the establishment of a waiver of  
11 court action by payment of specified fees.

12 8. Advisory committees. Each president shall appoint  
13 advisory committees to provide advice on the development and  
14 operation of the educational programs at the colleges.

15 9. Delegated duties. Each president shall undertake any  
16 other duties delegated by the board of trustees or the Vice  
17 Chancellor.

18 §12740. Administrative council

19 The administrative council is a nonvoting advisory council,  
20 composed of the presidents of the technical colleges, to advise  
21 the board of trustees and the Vice Chancellor. The  
22 administrative council shall advise the Vice Chancellor in the  
23 performance of the duties assigned under this chapter and shall  
24 make recommendations to the Vice Chancellor and the board of  
25 trustees with respect to:

26 1. Administration. Administration of the technical  
27 colleges;

28 2. Courses of study. Courses of study, educational  
29 programs and curricula;

30 3. Coordination of programs. Coordination of programs  
31 among the technical colleges;

32 4. Coordination with other educational institutions.  
33 Coordination with other institutions of higher education and with  
34 other educational and training institutions; and

35 5. Other matters. Other matters as requested by the Vice  
36 Chancellor or the board of trustees.

37 §12741. Name and program of the state technical colleges

38 The program of the state technical colleges shall be  
39 designed to educate, train and prepare high school graduates, or  
40 the equivalent, for possible employment as technicians or  
41 the equivalent, for possible employment as technicians or  
42 the equivalent, for possible employment as technicians or  
43 the equivalent, for possible employment as technicians or  
44 the equivalent, for possible employment as technicians or  
45 the equivalent, for possible employment as technicians or  
46 the equivalent, for possible employment as technicians or  
47 the equivalent, for possible employment as technicians or  
48 the equivalent, for possible employment as technicians or  
49 the equivalent, for possible employment as technicians or  
50 the equivalent, for possible employment as technicians or  
51 the equivalent, for possible employment as technicians or



1 technologists, including health technicians and technologists,  
2 engineering assistants, business and office administrators or  
3 workers, mechanics or repairers, craft workers, construction  
4 workers or precision production workers or other skilled workers,  
5 in accordance with the mission, goals and objectives set forth in  
6 sections 12732 and 12733. Until the board of trustees considers  
7 it necessary to adopt other nomenclature to fulfill the purposes  
8 of this chapter, the names of the colleges shall be:

- 9 1. Central Maine. Central Maine Technical College;
- 11 2. Eastern Maine. Eastern Maine Technical College;
- 13 3. Kennebec Valley. Kennebec Valley Technical College;
- 15 4. Northern Maine. Northern Maine Technical College;
- 17 5. Southern Maine. Southern Maine Technical College; and
- 19 6. Washington County. Washington County Technical College.

21 §12742. Accreditation

23 The technical colleges may seek and maintain membership in  
24 the appropriate regional accrediting association and shall strive  
25 to satisfy the requirements necessary to achieve and maintain  
26 accreditation as technical colleges and to meet the requirements  
27 necessary to receive federal aid. Whenever feasible and  
28 appropriate, programs of study offered by the technical colleges  
29 shall meet the requirements of the corresponding occupations for  
30 licensing, certification or registration. As provided in Title  
31 32, technical college graduates with appropriate training and  
32 experience are eligible for licensure as journeyman workers in  
33 certain specified occupations upon passage of the journeyman's  
34 examination.

37 §12773. Financial aid

39 The board of trustees shall develop and administer a program  
40 of scholarships for technical college students. The board of  
41 trustees may administer scholarships and grants provided by other  
42 persons or organizations.

43 1. State scholarships. State scholarship awards shall be  
44 based on evidence of individual need. Students selected to  
45 receive a scholarship under this subsection shall:

- 47 A. Show evidence of the qualifications necessary to  
48 complete a course of study successfully and to become a  
49 competent technical or craft worker in an industrial,  
50 administrative or trade pursuit;

1           B. Show ability and willingness to support the expenses of  
2           education and training; and

3           C. Show need of financial assistance to help pay the cost  
4           of technical college attendance.

5  
6  
7           2. National Guard Scholarship Program. Members of the  
8           Maine National Guard with over 10 years of continuous service may  
9           be awarded scholarships on the basis of their guard membership,  
10           not to exceed 3 credit hours or the equivalent each semester.  
11           The guard shall select those who are to receive scholarships from  
12           among those members eligible for admission to a technical  
13           college. The program shall be administered by the board of  
14           trustees.

15  
16           3. Loan fund revolving accounts. In compliance with  
17           federal regulations, the board of trustees may establish and  
18           administer loan fund revolving accounts to provide effective and  
19           efficient student loan programs for the technical colleges. The  
20           board of trustees shall adopt rules governing the giving of loans  
21           to technical college students in need of financial aid, repayment  
22           plans and other aspects of the loan programs. Each loan fund  
23           revolving account authorized and the specific funds associated  
24           with it shall be kept in a separate special account and any  
25           repayment of loans made from one of these separate special  
26           accounts shall be credited to that separate special account for  
27           continued use as a loan fund.

28  
29           §12744. Instructional Projects Revolving Fund

30  
31           The board of trustees shall establish and administer the  
32           Instructional Projects Revolving Fund to aid instruction at the  
33           technical colleges. The fund shall be used to pay necessary  
34           costs of projects which are carried out as part of the  
35           instructional program. No project may be undertaken unless the  
36           fund contains enough money to cover its proposed budget. All  
37           money generated through the operation of any project shall be  
38           placed into the fund for use in other instructional projects.

39           §12745. Annual report

40  
41           The board of trustees shall prepare an annual report by  
42           January 1st of each year, to be submitted to the Governor and  
43           joint standing committees of the Legislature having jurisdiction  
44           over education matters and over appropriations and financial  
45           affair matters. The chair of the board of trustees shall present  
46           the report before the joint standing committee of the Legislature  
47           having jurisdiction over education matters. This report shall  
48           include:

49  
50           1. Budget expenditures. Budget expenditures for the last  
51           complete fiscal year and projected expenditures for the fiscal  
52           year in which the report is submitted;  
53

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2. Current enrollments. Current enrollments by program at each technical college;

3. Description of new courses or curricula. A description of any new technical college courses or curricula;

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

5. Analysis. An analysis of the quality, growth, effectiveness, labor market impact and priority of technical college programs, developed in terms of planning factors and criteria adopted by the board of trustees. These factors and criteria may include, but need not be limited to, the following:

A. Suitability as indicated by licensing requirements, general educational development, specific vocational preparation levels, national surveys, career information delivery system and occupational outlook handbook recommendations and alternate training environments;

B. Need as indicated by economic development targets, regional and local perspectives, duplicate training programs and enrollment and application levels, ratios and trends;

C. Employment outlook as indicated by employment levels, attrition rates, growth rates, occupational supply-and-demand ratios, cyclical trends and economic and technological developments;

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

E. Career potential as indicated by turnover rate, dropout rate, burnout rate, career ladders, skill transferability, self-employment opportunities and supervisory opportunities;

F. Program effectiveness as indicated by student-to-teacher ratio, completion rate, labor market entry rate, student satisfaction and employer satisfaction;

G. Program impact as indicated by related placement rate, unrelated placement rate, unemployment rate and placement and unemployment trends; and

1           H. Cost as indicated by total cost, cost per student, cost  
3           per placement, special funding support and equipment  
            replacement rates;

5           6. List. A list of needs, in order of priority, of the  
7           technical colleges; and

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

11           **Sec. 33. 22 MRSA §3511**, as enacted by PL 1971, c. 88, is  
13           amended to read:

15           **§3511. Correctional, mental and certain educational**  
            **institutions**

17           Sections 3504 to 3511 shall not apply nor authorize the  
19           installation of vending facilities in any building wholly used by  
21           any correctional or mental institution or by any educational  
23           institution of any type supported in whole or in part from public  
            funds, unless such educational institution is of university,  
            college, state technical college or junior college grade or-is-a  
            ~~veational-technical-institute.~~

25           **Sec. 34. 22 MRSA §3775, sub-§§1 and 2**, as amended by PL 1985,  
27           c. 779, §63, are further amended to read:

29           1. **Services.** Encourage the development and ensure  
31           coordination of training, education and pre-apprenticeship  
33           programs, supportive services and remedial and preparatory  
            programs at the University of Maine System, ~~the~~  
            ~~veational-technical--institutes~~ including the state technical  
            colleges, the Apprenticeship and Training Council and other  
35           institutions and programs;

37           2. **Placement.** Encourage the University of Maine System,  
39           ~~the-veational-technical-institutes~~ including the state technical  
            colleges and other institutions and programs to promote  
41           opportunities for educational placement for recipients who meet  
            admission requirements.

43           **Sec. 35. 22 MRSA §3782, sub-§1**, as enacted by PL 1987, c. 856,  
            §§7 and 10, is amended to read:

45           1. **Services and support.** Services and support shall  
47           include those which are provided under chapter 1053, Aid to  
49           Dependent Children; chapter 1054, the Job Opportunities Act of  
            1981; Title 20-A, chapter 315, Adult Education; Title 20-A,  
            chapter 431, ~~Maine-Veational-Technical-Institute-System~~ 431-A,  
            the state technical colleges; Title 26, chapter 21, the Displaced

1 Homemakers Act; and Title 26, chapter 25, the Job Training  
Partnership Act.

3

5 **Sec. 36. 23 MRSA §1201, sub-§35**, as repealed and replaced by  
PL 1985, c. 506, Pt. A, §46, is amended to read:

7 **35. Southern Maine Technical College.** A sign shall be  
provided by the Southern Maine ~~Vocational-Technical--Institute~~  
9 Technical College and installed and maintained by the Maine  
Turnpike Authority at Exit 7 which will conform with standards  
11 established by the Maine Turnpike Authority and shall read as  
follows:

13

EXIT FOR:

15

SOUTHERN MAINE VOCATIONAL-TECHNICAL-INSTITUTE  
17 TECHNICAL COLLEGE

19 **Sec. 37. 26 MRSA §1005**, as amended by PL 1985, c. 695, §12,  
is further amended to read:

21

**§1005. Related and supplemental instruction**

23

25 Related and supplemental instruction for apprentices,  
coordination of instruction with work experiences and the  
27 selection of teachers and coordinators for such instructions  
shall be the responsibility of the Board of Trustees of the Maine  
~~Vocational-Technical-Institute-System~~ University of Maine System.  
29 ~~The executive-director-of-the-system~~ Vice Chancellor of the  
Univeristy of Maine System for the Administration of the State  
31 Technical Colleges shall be responsible and make provision,  
subject to the allotment of funds, for related and supplemental  
33 instruction for apprentices as may be employed under  
apprenticeship programs registered and approved by the council.

35

37 **Sec. 38. 26 MRSA §1021**, as amended by PL 1985, c. 779, §71,  
is further amended to read:

39

**§1021. Purpose**

41

43 It is declared to be the public policy of this State and it  
is the purpose of this chapter to promote the improvement of the  
relationship between public employers and their employees by  
45 providing a uniform basis for recognizing the right of the  
University of Maine System employees, including employees of the  
state technical colleges and Maine Maritime Academy employees and  
47 ~~vocational-technical---institute---employees~~ to join labor  
organizations of their own choosing and to be represented by such  
49 organizations in collective bargaining for terms and conditions  
of employment.

51

1           **Sec. 39. 26 MRSA §1022, sub-§1-C**, as amended by PL 1987, c.  
216, Pt. R, is repealed and the following enacted in its place:

3           **1-C. State technical college.** "State technical college"  
4 means the state technical colleges and their activities and  
5 functions supervised by the Board of Trustees of the University  
6 of Maine System or its designee. The employment relations,  
7 policies and practices throughout the technical colleges shall be  
8 as consistent as possible. It is the responsibility of the board  
9 of trustees or its designee to negotiate collective bargaining  
10 agreements and administer these agreements. The board of  
11 trustees or its designee is responsible for employer functions of  
12 the state technical colleges under this chapter and shall  
13 coordinate its collective bargaining activities with campuses or  
14 units on matters of concern to the technical colleges. In  
15 addition to its responsibilities to the public generally, the  
16 board of trustees shall have the specific responsibility of  
17 considering and representing the interests and welfare of the  
18 students in any negotiations under this chapter.

21           **Sec. 40. 26 MRSA §1022, sub-§3**, as repealed and replaced by PL  
21987, c. 402, Pt. A, §155, is amended to read:

23           **3. Board of Trustees.** "Board of Trustees" means the Board  
24 of Trustees of the University of Maine System, or the Board of  
25 Trustees of the Maine Maritime Academy ~~or the Board of Trustees~~  
26 ~~of the Maine Vocational-Technical-Institute-System.~~

29           **Sec. 41. 26 MRSA §1022, sub-§11**, as repealed and replaced by  
PL 1987, c. 402, Pt. A, §156, is amended to read:

31           **11. University, academy or state technical college**  
32 **employee.** "University, academy or vocational-technical-institute  
33 state technical college employee" means any regular employee of  
34 the University of Maine System, including employees of the state  
35 technical colleges, or the Maine Maritime Academy ~~or the Maine~~  
36 ~~Vocational-Technical-Institute-System~~ performing services within  
37 a campus or unit, except any person:

39           A. Appointed to office pursuant to law;

41           B. Appointed by the Board of Trustees as a vice-president,  
42 dean, director or member of the ~~chancellor's~~ immediate staff  
43 of the Chancellor, Vice Chancellor of the University of  
44 Maine System for the Administration of the State Technical  
45 Colleges or superintendent's--or--Maine--Vocational--Technical  
46 Institute--System--executive---director's immediate---staff  
47 superintendent;

49           C. Whose duties necessarily imply a confidential  
50 relationship with respect to matters subject to collective  
51 bargaining as between such person and the university, or the

1 academy ~~of the Maine Vocational-Technical-Institute-System;~~  
or

3  
5 D. ~~Employed-in-his~~ In that person's initial 6 months of  
employment.

7 **Sec. 42. 26 MRSA §1023**, as repealed and replaced by PL 1985,  
c. 737, Pt. A, §63, is amended to read:

9  
11 **§1023. Right of university, academy or state technical employees  
to join labor organizations**

13 No one may directly or indirectly interfere with,  
15 intimidate, restrain, coerce or discriminate against university,  
including the state technical colleges, or academy or  
17 veational-technical---institute employees or a group of  
university, academy or veational-technical---institute state  
19 technical college employees in the free exercise of their rights,  
hereby given, voluntarily to join, form and participate in the  
21 activities of organizations of their own choosing for the  
purposes of representation and collective bargaining, or in the  
free exercise of any other right under this chapter.

23  
25 **Sec. 43. 26 MRSA §1024-A, sub-§1**, as amended by PL 1985, c.  
506, Pt. B, §24, is further amended to read:

27 1. **Legislative intent.** It is the express legislative  
intent that, in order to foster meaningful collective bargaining,  
29 units shall be structured in such a way as to avoid excessive  
fragmentation whenever possible. In accordance with this policy,  
31 bargaining units shall be structured on a university system-wide  
basis to include the state technical colleges, with one unit for  
33 each of the following occupational groups:

- 35 A. Faculty;
- 37 B. Professional and administrative staff;
- 39 C. Clerical, office, laboratory and technical;
- 41 D. Service and maintenance;
- 43 E. Supervisory classified; and
- 45 F. Police.

47 It is intended that Cooperative Extension Service employees be  
included in appropriate units.

49  
51 **Sec. 44. 26 MRSA §1024-A, sub-§3**, as amended by PL 1985, c.  
695, §16, is repealed.

1           **Sec. 45. 26 MRSA §1024-A, sub-§5**, as repealed and replaced by  
2 PL 1985, c. 737, Pt. A, §64, is amended to read:

3  
4           5. **Additional bargaining units.** Notwithstanding subsection  
5 1, ~~or 2~~ ~~or 3~~, the Legislature recognizes that additional or  
6 modified university system-wide units, including the state  
7 technical colleges or academy units ~~or vocational-technical~~  
8 ~~institute-units~~ may be appropriate in the future. The employer  
9 or employee organizations may petition the executive director for  
10 the establishment of additional or modified university  
11 system-wide units, or academy units ~~or vocational-technical~~  
12 ~~institute-units~~. The executive director or his a designee shall  
13 determine the appropriateness of those petitions, taking into  
14 consideration the community of interest and the declared  
15 legislative intent to avoid fragmentation whenever possible and  
16 to insure employees the fullest freedom in exercising the rights  
17 guaranteed by this chapter. The executive director or his a  
18 designee conducting unit determination proceedings may administer  
19 oaths and require by subpoena the attendance and testimony of  
20 witnesses, the production of books, records and other evidence  
21 relative or pertinent to the issues represented to them.

22           **Sec. 46. 26 MRSA §1024-A, sub-§6, ¶A**, as enacted by PL 1979,  
23 c. 541, Pt. B, §31, is amended to read:

24  
25           A. When collective bargaining is to take place between the  
26 university and the faculty or professional and  
27 administrative staff, the board of trustees shall appoint 3  
28 currently enrolled students who are broadly representative  
29 of the various campuses including the state technical  
30 colleges to meet and confer with the university and who may  
31 meet and confer with the bargaining agent prior to  
32 collective bargaining.

33  
34           **Sec. 47. 26 MRSA §1025, sub-§1**, as amended by PL 1985, c. 506,  
35 Pt. B, §25, is further amended to read:

36  
37           1. **Voluntary recognition.** Any employee organization may  
38 file a request with the university, or academy ~~or~~  
39 ~~veational-technical-institutes~~ alleging that a majority of the  
40 university, or academy ~~or~~ ~~veational-technical~~ ~~institute~~  
41 employees in an appropriate bargaining unit as established in  
42 section ~~1024~~ 1024-A, wish to be represented for the purpose of  
43 collective bargaining between the university, or academy ~~or~~  
44 ~~veational-technical-institutes~~ and the employees' organization.  
45 Such request shall describe the grouping of jobs or positions  
46 which constitute the unit claimed to be appropriate and shall  
47 include a demonstration of majority support. Such request for  
48 recognition shall be granted by the university, or academy ~~or~~  
49 ~~veational-technical-institutes~~ unless the university, or academy  
50 ~~or~~ ~~veational-technical~~ ~~institutes~~ desires that an election  
51 determine whether the organization represents a majority of the



1 members in the bargaining unit. In the event that the request for  
2 recognition is granted by the university, or academy ~~or~~  
3 ~~vocational-technical--institutes~~, the executive director shall  
4 certify the organization so recognized as the bargaining agent.

5  
6 **Sec. 48. 26 MRSA §1025, sub-§2, ¶¶A and B**, as amended by PL  
7 1985, c. 506, Pt. B, §25, are further amended to read:

9 A. The executive director of the board, upon signed request  
10 of the university, or academy ~~or--vocational-technical~~  
11 ~~institutes~~ alleging that one or more university, or academy  
12 ~~or--vocational-technical--institutes~~ employees or employee  
13 organizations have presented to it a claim to be recognized  
14 as the representative of a bargaining unit of university, or  
15 academy ~~or--vocational-technical--institute~~ employees, or upon  
16 signed petition of at least 30% of a bargaining unit of  
17 university, or academy ~~or--vocational-technical--institutes~~  
18 employees that they desire to be represented by an  
19 organization, shall conduct a secret ballot election to  
20 determine whether the organization represents a majority of  
21 the members of the bargaining unit.

23 B. The ballot shall contain the name of such organization  
24 and that of any other organization showing written proof of  
25 at least 10% representation of the university, or academy ~~or~~  
26 ~~vocational-technical--institute~~ employees within the unit,  
27 together with a choice for any university, or academy ~~or~~  
28 ~~vocational-technical--institutes~~ employee to designate that  
29 he the employee does not desire to be represented by any  
30 bargaining agent. Where more than one organization is on the  
31 ballot, and no one of the 3 or more choices receives a  
32 majority vote of the university, or academy ~~or~~  
33 ~~vocational-technical--institute~~ employees voting, a run-off  
34 election shall be held. The run-off ballot shall contain the  
35 2 choices which received the largest and 2nd largest number  
36 of votes. When an organization receives the majority of  
37 votes of those voting, the executive director shall certify  
38 it as the bargaining agent. The bargaining agent certified  
39 as representing a bargaining unit shall be recognized by the  
40 university, or academy ~~or--vocational-technical--institutes~~ as  
41 the sole and exclusive bargaining agent for all of the  
42 employees in the bargaining unit unless and until a  
43 decertification election by secret ballot shall be held and  
44 the bargaining agent declared by the executive director as  
45 not representing a majority of the unit.

47 **Sec. 49. 26 MRSA §1026, sub-§1**, as amended by PL 1985, c. 737,  
48 Pt. A, §65, is further amended to read:

49  
50 1. **Negotiations.** It shall be the obligation of the  
51 university, academy, ~~--vocational-technical--institutes~~ or state  
schools for practical nursing and the bargaining agent to bargain

1 collectively. "Collective bargaining" means, for the purpose of  
3 this chapter, their mutual obligation:

5 A. To meet at reasonable times;

7 B. To meet within 10 days after receipt of written notice  
9 from the other party requesting a meeting for collective  
bargaining purposes, provided the parties have not otherwise  
agreed in a prior written contract;

11 C. To confer and negotiate in good faith with respect to  
13 wages, hours, working conditions and contract grievance  
15 arbitration, except that by such obligation neither party  
shall be compelled to agree to a proposal or be required to  
make a concession;

17 D. To execute in writing any agreements arrived at, the  
19 term of any such agreement to be subject to negotiation, but  
not to exceed 3 years; and

21 **Sec. 50. 26 MRSA §1026, sub-§4, ¶C**, as repealed and replaced by  
23 PL 1985, c. 737, Pt. A, §66, is amended to read:

25 C. In reaching a decision under this section, the  
arbitrators shall consider the following factors:

27 (1) The interests and welfare of the students and the  
29 public and the financial ability of the university, or  
academy ~~or vocational-technical-institutes~~ to finance  
31 the cost items proposed by each party to the impasse;

33 (2) Comparison of the wages, hours and working  
35 conditions of the employees involved in the arbitration  
37 proceeding with the wages, hours and working conditions  
of other employees performing similar services in  
public and private employment competing in the same  
labor market;

39 (3) The overall compensation presently received by the  
41 employees, including direct salary and wage  
43 compensation, vacation, holidays, life and health  
insurance, retirement and all other benefits received;

45 (4) Such other factors not confined to the factors set  
47 out in subparagraphs (1) to (3), which are normally and  
traditionally taken into consideration in the  
49 resolution of disputes involving similar subjects of  
collective bargaining in public higher education;

51 (5) The need of the university, or academy ~~or~~  
~~veational-technical-institutes~~ for qualified  
employees;

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(6) Conditions of employment in similar occupations outside the university, or academy ~~or vocational-technical-institutes;~~

(7) The need to maintain appropriate relationships between different occupations in the university, or academy ~~or vocational-technical-institutes;~~ and

(8) The need to establish fair and reasonable conditions in relation to job qualifications and responsibilities.

**Sec. 51. 26 MRSA §1027, sub-§1**, as amended by PL 1985, c. 737, Pt. A, §67, is further amended to read:

1. **University and academy prohibitions.** The university, its representatives and agents, and the academy, and its representatives and agents ~~and---the---vocational-technical institutes,--their--representatives--and--agents~~ are prohibited from:

- A. Interfering with, restraining or coercing employees in the exercise of the rights guaranteed in section 1023;
- B. Encouraging or discouraging membership in any employee organization by discrimination in regard to hire or tenure of employment or any term or condition of employment;
- C. Dominating or interfering with the formation, existence or administration of any employee organization;
- D. Discharging or otherwise discriminating against an employee because he the employee has signed or filed any affidavit, petition or complaint or given any information or testimony under this chapter;
- E. Refusing to bargain collectively with the bargaining agent of its employees as required by section 1026; or
- F. Blacklisting of any employee organization or its members for the purpose of denying them employment.

**Sec. 52. 26 MRSA §1027, sub-§2**, as amended by PL 1985, c. 506, Pt. B, §29, is further amended to read:

2. **University and academy prohibitions.** University employees, university employee organizations, their agents, members and bargaining agents including the state technical college employees; and academy employees, academy employee organizations, their agents, members and bargaining agents; ~~and vocational-technical--institute--employees,--vocational-technical~~

1 institute--employee--organizations,--their--agents,--members--and  
2 bargaining-agents are prohibited from:

3  
4 A. Interfering with, restraining or coercing employees in  
5 the exercise of the rights guaranteed in section 1023 or the  
6 university, including the state technical colleges and  
7 academy and--vocational-technical-institutes in the selection  
8 of their representatives for the purposes of collective  
9 bargaining or the adjustment of grievances;

11 B. Refusing to bargain collectively with the university, or  
12 academy and--vocational-technical--institutes as required by  
13 section 1026; and

15 C. Engaging in:

17 (1) A work stoppage, slowdown or strike; and

19 (2) The blacklisting of the university, including the  
20 state technical colleges, or academy or  
21 veational-teechnical--institutes for the purpose of  
22 preventing them from filling employee vacancies.

23 **Sec. 53. 26 MRSA §1029, sub-§1**, as amended by PL 1985, c. 506,  
24 Pt. B, §30, is further amended to read:

27 1. **Board power to prevent prohibited acts.** The board is  
28 empowered, as provided, to prevent any person, the university,  
29 any university employee, any university employee organizations,  
30 the academy, any academy employees, any academy employee  
31 organizations, ~~the---vocational-technical---institutes,---any~~  
32 ~~veational-teechnical-institute-employee,---any-vocational-technical~~  
33 ~~institute-employee-organizations;~~ or any bargaining agent from  
34 engaging in any of the prohibited acts enumerated in section  
35 1027. This power shall not be affected by any other means of  
36 adjustment or prevention that has been or may be established by  
37 agreement, law or otherwise.

39 **Sec. 54. 26 MRSA §1029, sub-§2**, as repealed and replaced by PL  
40 1985, c. 737, Pt. A, §68, is amended to read:

41  
42 2. **Complaints.** The university, any university of Maine  
43 System employee, any university University of Maine System  
44 employee organization, the academy, any academy employee, any  
45 academy employee organization, ~~the---vocational-technical~~  
46 ~~institutes,---any--vocational-technical--institute--employee,---any~~  
47 ~~veational-teechnical--institute--employee--organization,~~ or any  
48 bargaining agent which believes that any person, the university,  
49 any university University of Maine System employee, any  
50 university University of Maine System employee organization, the  
51 academy, any academy employee, any academy employee organization,  
~~the--vocational-technical--institutes,---any--vocational-technical~~

1 ~~institute employee, any vocational technical institute employee~~  
2 organization or any bargaining agent has engaged in or is  
3 engaging in any such prohibited practice may file a complaint  
4 with the executive director of the board stating the charges in  
5 that regard. No such complaint shall be filed with the executive  
6 director until the complaining party shall have served a copy  
7 thereof upon the party named in the complaint. Upon receipt of  
8 such complaint, the executive director or his a designee shall  
9 review the charge to determine whether the facts as alleged may  
10 constitute a prohibited act. If it is determined that the facts  
11 do not, as a matter of law, constitute a violation, the charge  
12 shall be dismissed by the executive director, subject to review  
13 by the board. If a formal hearing is deemed necessary by the  
14 executive director or by the board, the executive director shall  
15 serve upon the parties to the complaint a notice of the  
16 prehearing conference and of the hearing for the prehearing  
17 conference or the hearing, as appropriate, provided that no  
18 hearing shall be held based upon any alleged prohibited practice  
19 occurring more than 6 months prior to the filing of the complaint  
20 with the executive director. The party complained of shall have  
21 the right to file a written answer to the complaint and to appear  
22 in person or otherwise and give testimony at the place and time  
23 fixed for the hearing. In the discretion of the board, any other  
24 person or organization may be allowed to intervene in that  
25 proceeding and to present testimony. Nothing in this subsection  
26 may restrict the right of the board to require the executive  
27 director or his a designee to hold a prehearing conference on any  
28 prohibited practice complaint prior to the hearing before the  
29 board and taking whatever action, including dismissal, attempting  
30 to resolve disagreements between the parties or recommending an  
31 order to the board, as he the executive director may deem  
32 appropriate, subject to review by the board.

33  
34 **Sec. 55. 26 MRSA §1029, sub-§6**, as repealed and replaced by PL  
35 1985, c. 737, Pt. A, §69, is amended to read:

36  
37 6. **Simultaneous injunctive relief.** Whenever a complaint is  
38 filed with the executive director of the board alleging that the  
39 university, or academy ~~or vocational technical institutes~~ have  
40 violated section 1027, subsection 1, paragraph F, or alleging  
41 that an employee, employee organization or bargaining agent of  
42 the university, or academy ~~or vocational technical institutes~~  
43 have violated section 1027, subsection 2, paragraph C, the party  
44 making the complaint may simultaneously seek injunctive relief  
45 from the Superior Court in the county in which the prohibited  
46 practice is alleged to have occurred pending the final  
47 adjudication of the board with respect to such matter.

48  
49 **Sec. 56. 26 MRSA §1031, first ¶**, as repealed and replaced by PL  
50 1985, c. 737, Pt. A, §70, is amended to read:  
51

1 A collective bargaining agreement between the university, or  
2 the academy ~~or the vocational-technical-institutes~~ and a  
3 bargaining agent may provide for binding arbitration as the final  
4 step of a grievance procedure but the only grievances which may  
5 be taken to such binding arbitration shall be disputes between  
6 the parties as to the meaning or application of the specific  
7 terms of collective bargaining agreement. An arbitrator with the  
8 power to make binding decisions pursuant to any such provisions  
9 shall have no authority to add to, subtract from or modify the  
10 collective bargaining agreement.

11 **Sec. 57. 26 MRSA §1034, sub-§2**, as amended by PL 1985, c. 506,  
12 Pt. B, §34, is further amended to read:

13  
14 2. No restriction on eligibility for federal grant-in-aid  
15 or assistance programs. Nothing in this chapter or any contract  
16 negotiated pursuant to this chapter may in any way be interpreted  
17 or allowed to restrict or impair the eligibility of the  
18 university, any of its campuses or units, or the academy or  
19 ~~veocational-technical-institutes~~ in obtaining the benefits under  
20 any federal grant-in-aid or assistance programs.

21  
22 **Sec. 58. 26 MRSA §1452, first ¶**, as repealed and replaced by PL  
23 1987, c. 769, Pt. A, §107, is amended to read:

24  
25 The Maine Occupational Information Coordinating Committee,  
26 as established by Title 5, chapter 379, shall support the  
27 development, maintenance and operation of the Comprehensive  
28 Career, Occupational and Economic Data-based System and foster  
29 communication and coordination of education, employment and  
30 training programs through the use of the system. The committee  
31 shall consist of the Commissioner of Labor, Commissioner of Human  
32 Services, Commissioner of Educational and Cultural Services,  
33 Commissioner of Economic and Community Development, Director of  
34 the State Planning Office and the ~~Chairmen~~ Chairs of the Maine  
35 Human Resource Development Council, the State Board of Education  
36 and the Board of Trustees of the ~~Maine--Vocational-Technical~~  
37 ~~Institute~~ University of Maine System. The Commissioner of Labor  
38 and the Commissioner of Educational and Cultural Services may  
39 serve as the representatives of the ~~Chairmen~~ Chairs of the Maine  
40 Human Resource Development Council and the State Board of  
41 Education, respectively, upon the agreement of that designation  
42 by the Maine Human Resource Development Council and the State  
43 Board of Education. The Commissioner of Labor shall be the  
44 ~~chairman~~ chair of the committee, with the Department of Labor  
45 serving as the fiscal agent for the committee.

46  
47 **Sec. 59. 26 MRSA §2005, sub-§3, ¶B**, as enacted by PL 1987, c.  
48 471, §4 and c. 542, Pt. F, §4, is amended to read:

49  
50 B. Six representatives of state bodies. The Commissioner  
51 of Labor, the Commissioner of Human Services, the

1 Commissioner of Educational and Cultural Services and the  
2 Director of the State Development Office shall also serve as  
3 members. The 2 additional members shall each represent the  
4 University of Maine System ~~and the Maine~~  
5 ~~Vocational-Technical-Institute-System~~ of which one member  
6 shall represent the state technical colleges;

7  
8 **Sec. 60. 26 MRSA §2155, sub-§1, ¶B,** as enacted by PL 1987, c.  
9 777, §3, is amended to read:

11 B. Skill training shall be provided by quality training  
12 providers such as the State's ~~vocational-technical~~  
13 ~~institutes~~ state technical colleges.

14 **Sec. 61. 30 MRSA §4967, sub-§5,** as enacted by PL 1987, c. 766,  
15 §10, is amended to read:

16  
17 5. Training and certification of code enforcement  
18 officers. In cooperation with the ~~Vocational-Technical-Institute~~  
19 ~~System~~ state technical colleges and the Department of Human  
20 Services, the office shall establish a continuing education  
21 program for people engaged in code enforcement. This program  
22 shall provide basic and advanced training in the technical and  
23 legal aspects of code enforcement necessary for certification,  
24 including, but not limited to, plumbing inspection, soils and  
25 site evaluation, electrical inspection, state and federal  
26 environmental requirements, zoning ordinances, court techniques  
27 and other enforcement information.

28  
29 **Sec. 62. 32 MRSA §1101, sub-§4-A,** as amended by PL 1987, c.  
30 395, Pt. B, §4, is further amended to read:

31  
32 4-A. Supervision. Each master electrician, limited  
33 electrician or journeyman electrician may have one apprentice  
34 electrician or one helper electrician working with him and under  
35 his ~~personal~~ supervision of the master electrician, limited  
36 electrician or journeyman electrician. A master electrician, who  
37 teaches an electrical course at a Maine regional  
38 vocational-technical center, a Maine vocational region or a Maine  
39 ~~vocational-technical-institute~~ state technical college, may have  
40 a maximum of 12 helper electricians under his the master  
41 electrician's direct supervision while making electrical  
42 installations which are a part of the instructional program of  
43 the school, provided that the total value of each installation  
44 does not exceed \$1,000. No electrical installation may be  
45 commenced pursuant to this subsection without the prior approval  
46 of the director of the school at which the master electrician is  
47 an instructor. These installations are limited to those done in  
48 buildings or facilities owned or controlled by:

49  
50 A. School administrative units;

1 B. Nonprofit organizations; and

3 C. Households as defined in Title 36, section 6103, where  
5 the household income as defined in that section is within  
7 the limits established for one or 2 member households by  
9 Title 36, section 6108, except that if there are more than 2  
11 members in a household, an additional \$500 of household  
income shall be allowed for each additional member of the  
household in computing the income limitation and provided  
that the household is owner-occupied.

11 The Electricians' Examining Board and the municipal electrical  
13 inspector of the municipality in which the installation is to be  
made, if the municipality has an inspector, shall be notified of  
15 all installation projects entered into pursuant to this  
subsection prior to the commencement of the project. There shall  
17 be an inspection by a state electrical inspector or by the  
municipal electrical inspector of the municipality in which the  
19 installation has been made, if the municipality has an inspector,  
before any wiring on the project is concealed.

21 **Sec. 63. 32 MRSA §1202, sub-§1, ¶A**, as repealed and replaced by  
23 PL 1987, c. 769, Pt. A, §120, is amended to read:

25 A. For a journeyman electrician's license, a person must:

27 (1) Complete at least 8,000 hours of service as an  
29 apprentice or helper electrician or at least 8,000  
hours of experience in electrical installations, as  
31 defined in section 1101, and satisfactorily complete a  
program of study comprising 576 hours as approved by  
the Electricians' Examining Board or from an accredited  
33 institution. The 576 hours shall consist of 225 hours  
of required study, including an approved course of not  
35 less than 45 hours in the current National Electrical  
Code; and 351 hours of elective study, comprised of all  
37 trade-related electives or 225 hours of trade-related  
courses and 135 hours of degree-related courses;

39 (2) Be a graduate of an accredited regional vocational  
41 high school 2-year electrical program, have worked for  
8,000 hours in the field of electrical installations  
43 under the supervision of a master electrician or the  
equivalent and have completed a course of not less than  
45 45 hours in the current National Electrical Code, the  
course to be approved by the board;

47 (3) Be a graduate of an accredited Maine  
49 ~~vocational-technical-institute~~ state technical college  
electrical program, have worked for 4,000 hours in the  
51 field of electrical installations under the supervision  
of a master electrician or the equivalent and have



1 completed a course of not less than 45 hours in the  
3 current National Electrical Code, the course to be  
5 approved by the board. Persons qualifying under this  
7 paragraph may write the journeyman's examination upon  
9 graduation if application is made within one year of  
11 graduation; or

13 (4) Be an electrical apprentice registered with the  
15 Maine State Apprenticeship and Training Council and  
17 have completed 576 hours of related instruction, as  
19 defined in this paragraph, prescribed in their  
21 apprenticeship program, the 8,000-hour approved program  
23 and a course of not less than 45 hours in the current  
25 National Electrical Code, the course to be approved by  
27 the board. Persons qualifying under this paragraph may  
29 write the journeyman's examination after completion of  
31 the 576 hours of instruction, if application is made  
within one year of the completion of the instruction.

33 **Sec. 64. 32 MRSA §1202, sub-§1, ¶D**, as enacted by PL 1987, c.  
35 395, Pt. B, §7, is amended to read:

37 D. For a journeyman-in-training electricians' license, a  
39 person must be a graduate of an accredited Maine  
41 ~~vocational-technical-institute~~ state technical college  
43 electrical program, receive a passing grade on the  
45 journeyman examination and complete 2,000 hours of  
47 experience. This provision shall be reviewed by the joint  
49 standing committee of the Legislature having jurisdiction  
51 over business legislation by March 1, 1991, and, unless  
continued by law, shall terminate at this time.

33 **Sec. 65. 32 MRSA §1202, sub-§2**, as amended by PL 1987, c. 735,  
35 §55, is further amended to read:

37 2. **Apprentice or helper.** The board may issue a license  
39 upon payment of an annual fee as adopted by the board, not to  
41 exceed \$20, to any person who applies therefor, without  
43 examination, provided such applicant submits evidence  
45 satisfactory to the board that he the applicant has entered the  
47 employ of a licensed electrician as an apprentice electrician or  
49 to assist him the licensed electrician as an electrician's helper  
51 or is a full-time student in an electrical course at a regional  
vocational-technical center, a Maine vocational region, or a  
~~vocational-technical-institute~~ state technical college. Any such  
person employed by an electrician as an apprentice for the  
purpose of qualifying for any license mentioned in section 1203,  
or as electrician's helper, shall apply for a license as such  
immediately after commencing such employment or immediately after  
starting school in an electrical course.

1           **Sec. 66. 32 MRSA §2261, sub-§1**, as amended by PL 1985, c. 819,  
Pt. A, §§33 and 34, is further amended to read:

3  
4           **1. Commission established.** There is established a  
5 Commission on Nursing Supply and Educational Accessibility. This  
6 commission shall be composed of 15 persons appointed by the  
7 Governor, with 2 members representing the general public and 13  
8 members representing respectively the Maine State Nurses'  
9 Association, the Maine Council of Nursing Service Administrators,  
10 the Maine Hospital Association, the Maine Society for Hospital  
11 Personnel Administrators, the Maine Licensed Practical Nurses'  
12 Association, the Maine Community Health Association, the State  
13 Board of Nursing, Maine Health Care Association Longterm Care  
14 Nursing Council, Consortium United Maine Nurses, public  
15 baccalaureate nursing education, private baccalaureate nursing  
16 education, ~~Vocational-technical---institutes~~ state technical  
17 colleges and Maine Council of Associate Degree Nursing Programs.  
18 All regions of the State must be fairly represented.  
19 Appointments shall be for 3-year terms, except that no more than  
20 3 members' terms may expire in any one calendar year and  
21 appointments for terms of less than 3 years may be made in order  
22 to comply with this limitation.

23           **Sec. 67. 32 MRSA §2261, sub-§3, ¶C**, as enacted by PL 1985, c.  
24 724, §29, is amended to read:

25  
26           **C.** The extent that credits are transferable between  
27 ~~vocational-technical-institutes~~ state technical colleges and  
28 the university system and whether full credit for courses  
29 will be granted toward a baccalaureate degree;

30           **Sec. 68. 32 MRSA §2311, sub-§7**, as repealed and replaced by PL  
31 1985, c. 389, §13, is amended to read:

32  
33           **7. Journeyman oil burner technician.** "Journeyman oil  
34 burner technician" means any person licensed under this chapter  
35 to install, clean, service, alter or repair oil burning  
36 equipment. A journeyman oil burner technician shall install oil  
37 burning equipment only under the supervision of a master oil  
38 burner technician licensed under this chapter and shall at all  
39 times be under the supervision of, or in the employ of, a master  
40 oil burner technician licensed under this chapter. Applicants for  
41 a license of this classification shall present evidence  
42 satisfactory to the board of at least one year's practical  
43 experience, or completion of a course at a Maine  
44 ~~vocational-technical---institute~~ state technical college or  
45 comparable institute from another state, provided that the course  
46 has been approved by the board and the applicant presents  
47 evidence of 6 months' practical experience.

48           **Sec. 69. 32 MRSA §3501, sub-§2, ¶B**, as repealed and replaced by  
49 PL 1983, c. 468, §17, is amended to read:

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B. A minimum of 2,000 hours of work in the field of plumbing installations as a journeyman-in-training under the supervision of a master plumber, provided that the work experience is obtained within 4 years of the date upon which the applicant was issued his a journeyman-in-training license. A journeyman-in-training license shall be issued upon sworn application therefor to any person who has satisfactorily completed one academic year of instruction in plumbing at a ~~Maine--vocational-technical-institute~~ state technical college and who has obtained a passing grade, as determined by the board on the journeyman's examination. Any person who is enrolled in a course of instruction in plumbing at a ~~Maine--vocational-technical-institute~~ state technical college on July 1, 1983, may be licensed as a journeyman upon successful completion of that course of instruction and passage of the journeyman's examination.

**Sec. 70. 32 MRSA §8105, sub-§7-A, ¶D,** as amended by PL 1987, c. 602, §2, is further amended to read:

D. Possesses a minimum of 6 years of preparation consisting of a combination of:

- (1) Work experience, including at least 2 years in a nonclerical occupation related to law or the criminal justice system; and
- (2) Educational experience, including at least:
  - (a) Sixty academic credits of post-secondary education acquired at an accredited junior college, college or university; or
  - (b) An associate degree in law enforcement, based on 2 years of post-secondary instruction, conferred by an established ~~vocational-technical~~ institute state technical college; and

**Sec. 71. P&SL 1865, c. 532, §1,** as amended by PL 1985, c. 779, §87, is further amended to read by adding at the end 2 new sentences to read:

The board of trustees shall be the governing and planning body for post-secondary vocational-technical education in this State. The board of trustees shall be responsible for creating an integrated comprehensive delivery system of post-secondary vocational-technical education throughout the State which is coordinated with the programs and resources of the University of Maine System.

1           **Sec. 72. Transition provision.** The following provisions shall  
2 apply to the Maine Vocational-Technical Institutes in existence  
3 on the effective date of this Act.

5           1. Funds transferred. Notwithstanding the Maine Revised  
6 Statutes, Title 5, sections 1585 and 1586, all accrued  
7 expenditures, assets, liabilities, balances or allocations,  
8 transfers, revenues or other available funds in any account or  
9 subdivision of an account of the Maine Vocational-Technical  
10 Institute System and authorized for use by or for the  
11 vocational-technical institutes shall be reallocated to the state  
12 technical colleges within the University of Maine System.

13           2. Rules and procedures. All rules and procedures  
14 currently in effect and operation pertaining to the  
15 vocational-technical institutes within the Maine  
16 Vocational-Technical Institute System shall remain in effect  
17 until rescinded or amended by the Board of Trustees of the  
18 University of Maine System.

19           3. Equipment and property transferred. All equipment and  
20 property of the vocational-technical institutes shall remain with  
21 the state technical colleges, unless the Board of Trustees of the  
22 University of Maine System authorizes a different policy.

23           4. Contracts and agreements. All contracts and agreements  
24 currently in effect with the Maine Vocational-Technical Institute  
25 System and contracts relating to the vocational-technical  
26 institutes shall remain in effect following the effective date of  
27 this Act until rescinded, terminated or modified by the Board of  
28 Trustees of the University of Maine System.

29           5. Health and retirement benefits. Employees of the Maine  
30 Vocational-Technical Institute System who are transferred to  
31 positions in the state technical colleges within the University  
32 of Maine System by this Act may remain as members within the  
33 Maine State Retirement System and as members of the Maine State  
34 Employees Health Plan during their tenure in the state technical  
35 colleges. New employees of the state technical colleges shall be  
36 members of the University of Maine System's retirement system and  
37 health plan.

38 All employees of the state technical colleges who were previously  
39 employees of the Maine Vocational-Technical Institutes and who  
40 choose to remain as members of the Maine State Retirement System  
41 or as members of the Maine State Employees Health Plan shall be  
42 treated as state employees for purposes of rights and benefits  
43 under the Maine State Retirement System and the state employee  
44 health policies and plans. Employer and employee contributions  
45 shall be made as determined by current and future collective  
46 bargaining agreements.

1           6.   **Property and equipment.** All property and equipment  
3 within the Maine Vocational-Technical Institute System authorized  
5 by or for the use of the vocational-technical institutes or the  
7 administration of post-secondary vocational education shall be  
9 transferred to the Board of Trustees of the University of Maine  
11 System for post-secondary vocational technical education purposes.

12           7.   **Personnel transferred.** Classified and unclassified  
14 employees assigned to the vocational-technical institutes shall  
16 become employees of the University of Maine System.

17           A.   The accrued fringe benefits of these personnel,  
19 including vacation and sick leave, health and life insurance  
21 and retirement shall remain with the transferred personnel.

22           B.   All personnel transferred from the Maine  
24 Vocational-Technical Institute System who are or would have  
26 been members of collective bargaining units shall be  
28 transferred to the applicable bargaining units of the  
30 University of Maine System. All personnel of the former  
32 Maine Vocational Technical-Institute System shall retain all  
34 their seniority rights and privileges and all other rights  
36 and privileges derived from their bargaining agreements with  
38 the Maine Vocational-Technical Institute System when they  
40 transfer to collective bargaining units in the University of  
42 Maine System.

43           8.   **Allocation of Federal Vocational Education Act**  
45 **resources.** Recognizing that federal vocational education policy  
47 assigns high priority to both secondary and post-secondary  
49 vocational education as well as to the vocational training and  
51 retraining of adults, that the vocational-technical institutes  
within the University of Maine System represents the State's  
primary delivery mechanism for vocational and technical education  
at the post-secondary level, and that the Carl D. Perkins  
Vocational Education Act, Public Law 98-524, places major  
emphasis on economic development programming which is a primary  
goal of the system, the Board of Trustees of the University of  
Maine System shall meet and confer on a biennial basis with the  
State Board of Education, which is the sole state agency  
responsible for the administration of the State's vocational  
education program under the Carl D. Perkins Vocational Education  
Act, to develop an appropriate allocation of resources available  
through the Carl D. Perkins Vocational Education Act or its  
successor, between the secondary and adult vocational education  
programs represented by the Department of Educational and  
Cultural Services, Bureau of Adult and Secondary Vocational  
Education or its successor or successors, and the post-secondary  
vocational and technical education programs represented by the  
Maine vocational-technical institutes within the University of  
Maine System.



1 the University of Maine System for the Administration of the  
2 State Technical Colleges. The Chancellor with the approval of  
3 the board of trustees appoints the Vice Chancellor.

5 The Vice Chancellor will meet regularly with the  
6 administrative council of the state technical colleges to develop  
7 policies, procedures and goals for the technical colleges. The  
8 Chancellor will review and comment on all policies, procedures  
9 and nominations of officers made by the Vice Chancellor for  
10 approval by the board of trustees.

11

12 The day-to-day operations of the technical colleges will be  
13 overseen and administered by the president and vice president of  
14 each college. The presidents will be responsible for faculty and  
15 staff evaluation and oversight, developing budgets for each  
16 institute and similar administrative duties.

17

18 Provision is made for faculty and staff of the institutes to  
19 transfer into applicable bargaining units of the University of  
20 Maine System. The faculty and staff will retain all their rights  
21 and privileges under their collective bargaining agreements and  
22 right and privileges, including vacation and sick leave, health  
23 insurance and retirement, acquired while they were with the Maine  
24 Vocational-Technical Institute System.

25