

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "D" to COMMITTEE AMENDMENT "A" to S.P. 927,
L.D. 2345, Bill, "An Act to Correct Errors and Inconsistencies in
the Laws of Maine"

Amend the amendment by inserting after Part G the following:

PART H

Sec. H-1. 10 MRSA §1402, sub-§1, as repealed and replaced by
PL 1989, c. 805, §2, is amended to read:

1. **Dealer.** "Dealer" includes a person who customarily
sells a mobile home to consumers and is subject to the
jurisdiction of this State under Title 14, section 704-A.

Sec. H-2. Effective date. That part of this Act that amends the
Maine Revised Statutes, Title 10, section 1402, subsection 1,
takes effect 90 days after adjournment.

Sec. H-3. 15 MRSA §101-C, sub-§3, as enacted by PL 1987, c.
402, Pt. A, §109, is amended to read:

3. **Confidentiality of records.** Records provided under this
section shall be confidential and shall not be disseminated by
any person other than upon order of the court pursuant to a
petition for release under section 104-A or pursuant to an
involuntary commitment proceeding under Title 34-B, section 3864.

Sec. H-4. 17 MRSA §2269, last ¶, as repealed and replaced by PL
1975, c. 739, §14, is amended to read:

Any person or business organization, operating a business of
the types described in this section, who fails to place such
litter receptacles on the premises in the numbers required, or

who fails to comply within 10 days of being notified by registered letter by ~~the committee~~ by the Department of Conservation that ~~he~~ that person is in violation, shall be subject to a fine of \$10 for each violation. Each day a violation continues shall be a separate offense.

Sec. H-5. 24-A MRSA §1875, sub-§1, ¶¶D and E, as enacted by PL 1989, c. 31, §4, are amended to read:

D. Surety insurance; and

E. Casualty insurance; and

Sec. H-6. 24-A MRSA §1875, sub-§1, ¶F is enacted to read:

F. Health insurance.

Sec. H-7. 38 MRSA §1303-C, first ¶, as enacted by PL 1989, c. 585, Pt. E, §4, is amended to read:

As used in this chapter or in chapter 24, unless the context otherwise indicates, the following terms have the following meanings.

Sec. H-8. 38 MRSA §1310-X, as enacted by PL 1989, c. 585, Pt. E, §34, is repealed and the following enacted in its place:

§1310-X. Future commercial landfills

1. New facilities. Notwithstanding Title 1, section 302, the board may not approve an application for a new commercial solid waste disposal facility after September 30, 1989, including any applications pending before the board on or after September 30, 1989.

2. Relicense or transfer of license. The board may relicense or approve a transfer of license for commercial solid waste disposal facilities after September 30, 1989, if those facilities had been previously licensed by the board prior to September 30, 1989, and all other provisions of law have been satisfied.

3. Expansion of facilities. The board may license expansions of commercial solid waste disposal facilities after September 30, 1989, if:

A. The board has previously licensed the facility prior to September 30, 1989;

B. The board determines that the proposed expansion is contiguous with the existing facility and is located on property owned by the licensee on September 30, 1989; and

2 1. **Policies.** To develop and adopt policies for the
3 operation of the system, the Maine Technical College System
4 Office and the colleges; establish the administrative council;
5 and approve programs and policies recommended by the ~~executive~~
6 ~~director~~ president of the system and the administrative council;

8 **Sec. I-5. 20-A MRSA §12706, sub-§10**, as amended by PL 1989, c.
9 443, §37, is further amended to read:

10

11 **10. Legal affairs.** To sue and be sued in its own name.
12 Services of process in any action shall must be made by service
13 upon the ~~executive-director~~ president of the system, either in
14 hand or by leaving a copy of the process at the Maine Technical
15 College System Office;

16

17 **Sec. I-6. 20-A MRSA §12706, sub-§11**, as amended by PL 1989, c.
18 443, §38, is further amended to read:

19 **11. Personnel policies.** To develop and adopt personnel
20 policies and procedures for the system. The board of trustees,
21 subject to applicable collective bargaining agreements, shall
22 determine the qualifications, duties and compensation of its
23 employees and shall allocate and transfer personnel within the
24 system as necessary to fulfill the purposes of this chapter. The
25 board of trustees shall appoint the ~~executive-director~~ president
26 of the system and the presidents, vice-presidents, deans and
27 directors of finance of the colleges. The provisions of the
28 ~~Personnel Civil Service Law~~, as defined by Title 5, section 551
29 and ~~Title 5, chapter 71~~ 7039, do not apply to the system;

30 **Sec. I-7. 20-A MRSA §12708**, as enacted by PL 1985, c. 695,
31 §11, is amended to read:

32

33 **§12708. President of the technical college system**

34

35 The board of trustees shall appoint the ~~executive-director~~
36 president of the system who must be qualified by education and
37 experience and shall serve at the pleasure of the board of
38 trustees.

39

40 **Sec. I-8. 20-A MRSA §12709**, as amended by PL 1989, c. 700,
41 Pt. A, §68, is further amended to read:

42

43 **§12709. Powers and duties of the president of the technical**
44 **college system**

45

46 The ~~executive--director~~ president of the system shall
47 implement the policies of the board of trustees and be
48 responsible for the operation of the system. The powers and
49 duties of the ~~executive-director--shall~~ president of the system
50 include:
51

52

2 **1. Leadership.** To develop policies, procedures, goals and
3 objectives with respect to the operation of the colleges, to be
4 approved by the board of trustees. The ~~executive--director~~
5 president of the system shall meet regularly with the
6 administrative council to develop these policies and goals;

8 **2. Maine Technical College System Office staff**
9 **appointment.** Under procedures and standards developed by the
10 board of trustees, to appoint the staff of the Maine Technical
11 College System Office, including professional and nonprofessional
12 personnel and including, but not limited to, private legal
13 counsel and financial experts;

14 **3. Nomination of presidents.** To nominate the presidents
15 for appointment by the board of trustees;

16 **4. Staff oversight.** To oversee the staff of the Maine
17 Technical College System Office and the presidents of the
18 colleges;

19 **5. Personnel evaluation.** Under policies and standards
20 developed by the board of trustees, to evaluate the performance
21 of the Maine Technical College System Office staff and of the
22 presidents of the colleges and to make personnel recommendations
23 to the board of trustees;

24 **6. Perkins allocations.** As the representative of the board
25 of trustees, to meet and confer with representatives of the State
26 Board of Education regarding the distribution or allocation of
27 federal money for vocational education in the State under the
28 United States Carl D. Perkins Vocational Education Act, Public
29 Law 98-524, or its successor, and report the results to the board
30 of trustees;

31 **7. Budget preparation.** To assist the board of trustees in
32 the preparation of the biennial operating budget for the system,
33 as provided in section 12706, subsection 4;

34 **8. Accounting system and procedures.** To provide for an
35 accounting system and procedures ~~which--will~~ that reflect and
36 identify all appropriations, allocations, income and revenues and
37 all expenditures of each college and the Maine Technical College
38 System Office;

39 **9. Long-range planning and research.** In cooperation with
40 the administrative council, to undertake long-range planning and
41 research, including planning for construction, renovation and
42 reconstruction projects and report findings and recommendations
43 to the board of trustees;

44 **10. Intercampus cooperation and coordination.** To promote

2 cooperation among the technical colleges and prepare plans for
approval by the board of trustees with respect to the
4 coordination of programs, activities and personnel;

6 **11. Interagency cooperation and communication.** To promote
cooperation and communication with the Department of Educational
8 and Cultural Services and the Bureau of Employment and Training
Programs, or their successors, with the University of Maine
10 System and with other public and private educational and training
institutions;

12 **12. Coordination with the public sector.** To work closely
with other state and local agencies that have an impact upon
14 vocational education, to promote consistent and coordinated
policies, procedures and programs;

16 **13. Coordination with the private sector.** To work closely
18 with the private sector in order to ensure that the colleges
respond expeditiously to the needs of the private sector and the
20 State's economy, particularly with respect to changing
technology, industries and job training needs;

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

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

30 **16. Fulfillment of mission and goals.** To implement the
mission and goals set forth in section 12703.

32 **Sec. I-9. 20-A MRSA §12711,** as amended by PL 1989, c. 443,
§47, is further amended to read:

34 **§12711. Presidents of the colleges**

36 ~~The executive--director~~ president of the system shall
38 nominate the presidents for appointment by the board of
trustees. The presidents must be qualified by education and
40 experience and shall serve at the pleasure of the board of
trustees.

42 **Sec. I-10. 20-A MRSA §12712, sub-§§5, 6 and 9,** as amended by PL
44 1989, c. 443, §48, are further amended to read:

46 **5. Personnel evaluation.** Under policies and standards
developed by the board of trustees, the presidents shall evaluate
48 the performance of the administrators, faculty and staff of the
colleges and make personnel recommendations to the ~~executive~~
50 ~~direetor~~ president of the system and the board of trustees.

52 **6. Assist in preparation of the budget.** The presidents

2 shall assist the board of trustees and the ~~executive-director~~
3 president of the system in the preparation of the budget for the
4 system. Each president shall prepare a proposed line-item budget
5 for the college that each president represents. A copy of the
6 proposed budget of each college shall must be provided to the
7 board of trustees and the ~~executive-director~~ president of the
8 system for their examination. Nothing in this subsection may be
9 construed to mean that the presidents have approval authority for
10 the budgets of the colleges.

11 9. **Delegated duties.** Each president shall undertake other
12 duties as delegated by the board of trustees and the ~~executive~~
13 ~~director~~ president of the system.

14 **Sec. I-11. 20-A MRSA §12713**, as amended by PL 1989, c. 443,
15 §49, is further amended to read:

16 **§12713. Administrative council**

17 The administrative council shall be a nonvoting, advisory
18 council, composed of the presidents of the colleges to advise the
19 board of trustees and the ~~executive-director~~ president of the
20 system. The administrative council shall advise the ~~executive~~
21 ~~director~~ president of the system in the performance of the duties
22 assigned under this chapter and shall make recommendations to the
23 ~~executive-director~~ president of the system and the board of
24 trustees with respect to the administration of the colleges,
25 courses of study, educational programs, curricula, coordination
26 of programs between the colleges, coordination with other
27 institutions of higher learning and other educational and
28 training institutions and other matters as requested by the
29 ~~executive-director~~ president of the system or the board of
30 trustees.

31 **Sec. I-12. Revision clause.** Wherever in the Maine Revised
32 Statutes the phrase "Executive Director of the Maine Technical
33 College System" appears or reference is made to that position,
34 that phrase is amended to read and mean the "President of the
35 Maine Technical College System." '

36 Further amend the amendment by renumbering the sections in
37 Part H and Part I to read consecutively.

38 **STATEMENT OF FACT**

39 Section H-1 clarifies that the new mobile home warranty laws
40 apply to dealers who customarily sell mobile homes to consumers
41 and section H-2 is an effective date for that provision.

42 Section H-3 adds language to the Maine Revised Statutes,
43 Title 15, section 101-C, subsection 3, that was inadvertently

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2345

omitted from Public Law 1985, chapter 356 through a technical
2 error.

4 Section H-4 deletes a reference to the Keep Maine Scenic
Committee that no longer exists and makes a technical correction
6 concerning gender.

8 Sections H-5 and H-6 make technical changes and extend
continuing education requirements to insurance agents dealing in
10 health insurance.

12 Section H-7 adds language that was inadvertently omitted
from the committee amendment.

14 Section H-8 reformats Title 38, section 1310-X and clarifies
16 dates.

18 Section H-9 corrects an incomplete history.

20 Section H-10 clarifies the charter of the Northern Regional
Planning Commission and the Northern Maine Regional Planning
22 Commission regarding the terms served by the chair, vice-chair,
secretary and treasurer of the executive board.

24 The sections in Part I replace references to the Executive
26 Director of the Technical College System with the President of
the Technical College System.

Filed by Rep. Paradis of Augusta
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