

MAINE STATE LEGISLATURE

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R. of S.

L.D. 2345

(Filing No. S-684)

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STATE OF MAINE
SENATE
114TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT " A " 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 H-1. 10 MRSA §1402, sub-§1, as repealed and replaced by PL 1989, c. 805, §2, is amended to read: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 H-4. 17 MRSA §2269, last ¶, as repealed and replaced by PL 1975, c. 739, §14, is amended to read: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

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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 E, §34, is repealed and the following enacted in its place: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

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Services of process in any action shall must be made by service
upon the ~~executive-director~~ president of the system, either in
hand or by leaving a copy of the process at the Maine Technical
College System Office;

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

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

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

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

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

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

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

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

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

2. **Maine Technical College System Office staff
appointment.** Under procedures and standards developed by the
board of trustees, to appoint the staff of the Maine Technical
College System Office, including professional and nonprofessional

2 personnel and including, but not limited to, private legal
counsel and financial experts;

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

6
8 **4. Staff oversight.** To oversee the staff of the Maine
Technical College System Office and the presidents of the
colleges;

10
12 **5. Personnel evaluation.** Under policies and standards
developed by the board of trustees, to evaluate the performance
of the Maine Technical College System Office staff and of the
14 presidents of the colleges and to make personnel recommendations
to the board of trustees;

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

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

28
30 **8. Accounting system and procedures.** To provide for an
accounting system and procedures ~~which will~~ that reflect and
identify all appropriations, allocations, income and revenues and
32 all expenditures of each college and the Maine Technical College
System Office;

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

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42 **10. Intercampus cooperation and coordination.** To promote
cooperation among the technical colleges and prepare plans for
approval by the board of trustees with respect to the
44 coordination of programs, activities and personnel;

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

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

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

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

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

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

20 **Sec. I-9. 20-A MRSA §12711,** as amended by PL 1989, c. 443,
22 §47, is further amended to read:

24 **§12711. Presidents of the colleges**

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

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

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

40 6. **Assist in preparation of the budget.** The presidents
42 shall assist the board of trustees and the ~~executive--director~~
president of the system in the preparation of the budget for the
44 system. Each president shall prepare a proposed line-item budget
for the college that each president represents. A copy of the
46 proposed budget of each college shall must be provided to the
board of trustees and the ~~executive--director~~ president of the
48 system for their examination. Nothing in this subsection may be
construed to mean that the presidents have approval authority for
50 the budgets of the colleges.

52 9. **Delegated duties.** Each president shall undertake other

duties as delegated by the board of trustees and the executive
director president of the system.

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

§12713. Administrative council

The administrative council shall be a nonvoting, advisory
council, composed of the presidents of the colleges to advise the
board of trustees and the executive--director president of the
system. The administrative council shall advise the executive
director president of the system in the performance of the duties
assigned under this chapter and shall make recommendations to the
executive--director president of the system and the board of
trustees with respect to the administration of the colleges,
courses of study, educational programs, curricula, coordination
of programs between the colleges, coordination with other
institutions of higher learning and other educational and
training institutions and other matters as requested by the
executive--director president of the system or the board of
trustees.

Sec. I-12. P&SL 1989, c. 89, §4, sub-§6, ¶E is amended to read:

E. The terms of office of all executive board members
shall, including the chair, vice-chair, secretary and
treasurer, begin immediately upon their election, and they
shall hold office until their successors have been elected
and installed. Not counting any terms served prior to
adoption of this charter, executive board members shall may
not serve more than 2 consecutive full 3-year terms.

Sec. I-13. Revision clause. Wherever in the Maine Revised
Statutes the phrase "Executive Director of the Maine Technical
College System" appears or reference is made to that position,
that phrase is amended to read and mean the "President of the
Maine Technical College System."

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

STATEMENT OF FACT

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

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2 Section H-3 adds language to the Maine Revised Statutes,
Title 15, section 101-C, subsection 3, that was inadvertently
4 omitted from Public Law 1985, chapter 356 through a technical
error.

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

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

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

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

20 Section H-9 corrects an incomplete history.

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

26

28 (Senator HOBBS)
SPONSORED BY:



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COUNTY: York

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