

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1369

S.P. 450

In Senate, March 18, 2003

An Act To Establish the Maine Community College System

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by President DAGGETT of Kennebec. (GOVERNOR'S BILL)

Under suspension of the rules, cosponsored by Speaker COLWELL of Gardiner and Senators: BENNETT of Oxford, BLAIS of Kennebec, BROMLEY of Cumberland, BRYANT of Oxford, CARPENTER of York, DAMON of Hancock, DAVIS of Piscataquis, DOUGLASS of Androscoggin, EDMONDS of Cumberland, GAGNON of Kennebec, GILMAN of Cumberland, HALL of Lincoln, HATCH of Somerset, KNEELAND of Aroostook, LaFOUNTAIN of York, LEMONT of York, MAYO of Sagadahoc, MITCHELL of Penobscot, NASS of York, PENDLETON of Cumberland, SAVAGE of Knox, SAWYER of Penobscot, STANLEY of Penobscot, STRIMLING of Cumberland, TREAT of Kennebec, TURNER of Cumberland, WESTON of Waldo, WOODCOCK of Franklin, YOUNGBLOOD of Penobscot,

Representatives: ANDREWS of York, ANNIS of Dover-Foxcroft, ASH of Belfast, BERRY of Belmont, BERUBE of Lisbon, BLANCHETTE of Bangor, BLISS of South Portland, BOWEN of Rockport, BOWLES of Sanford, BRANNIGAN of Portland, BROWNE of Vassalboro, BRUNO of Raymond, BUNKER of Kossuth Township, CANAVAN of Waterville, CARR of Lincoln, CLARK of Millinocket, CLOUGH of Scarborough, COLLINS of Wells, COURTNEY of Sanford, COWGER of Hallowell, CUMMINGS of Portland, DAIGLE of Arundel, DAVIS of Falmouth, DUDLEY of Portland, DUNLAP of Old Town, DUPLESSIE of Westbrook, DUPREY of Medway, EARLE of Damariscotta, FAIRCLOTH of Bangor, FINCH of Fairfield, FISCHER of Presque Isle, GAGNE-FRIEL of Buckfield, GOODWIN of Pembroke, HEIDRICH of Oxford, HONEY of Boothbay, HUTTON of Bowdoinham, JACKSON of Fort Kent, JODREY of Bethel, KAELIN of Winterport, KANE of Saco, KETTERER of Madison, LAVERRIERE-BOUCHER of Biddeford, LEDWIN of Holden, LEMOINE of Old Orchard Beach, LEWIN of Eliot, MAILHOT of Lewiston, MARLEY of Portland, McCORMICK of West Gardiner, McGLOCKLIN of Embden, McGOWAN of Pittsfield, McKENNEY of Cumberland, McLAUGHLIN of Cape Elizabeth, McNEIL of Rockland, MOODY of Manchester, MURPHY of Kennebunk, NORBERT of Portland, NORTON of Bangor, NUTTING of Oakland, O'BRIEN of Augusta, O'BRIEN of Lewiston, O'NEIL of Saco, PEAVEY-HASKELL of Greenbush, PELLON of Machias, PERCY of Phippsburg, PERRY of Calais, PERRY of Bangor, PINEAU of Jay, PINGREE of North Haven, RECTOR of Thomaston, RICHARDSON of Greenville, RICHARDSON of Brunswick, RICHARDSON of Skowhegan, RINES of Wiscasset, SHERMAN of Hodgdon, SHIELDS of Auburn, SIMPSON of Auburn, SULLIVAN of Biddeford, SUSLOVIC of Portland, THOMAS of Orono, THOMPSON of China, TOBIN of Dexter, TRAHAN of Waldoboro, TREADWELL of Carmel, USHER of Westbrook, VAUGHAN of Durham, WHEELER of Kittery.

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

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Sec. 1. 1 MRSA §402, sub-§2, ¶B, as repealed and replaced by PL 1989, c. 878, Pt. A, §1, is amended to read:

B. Any board or commission of any state agency or authority, the Board of Trustees of the University of Maine System and any of its committees and subcommittees, the Board of Trustees of the Maine Maritime Academy and any of its committees and subcommittees, the Board of Trustees of the Maine ~~Technical~~ Community College System and any of its committees and subcommittees;

Sec. 2. 1 MRSA §402, sub-§3, ¶E, as repealed and replaced by PL 1989, c. 878, Pt. A, §2, is amended to read:

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

Sec. 3. 1 MRSA §541, sub-§2, ¶D, as enacted by PL 2001, c. 321, Pt. B, §1, is amended to read:

D. The University of Maine System, the Maine Maritime Academy and the Maine ~~Technical~~ Community College System;

Sec. 4. 3 MRSA §959, sub-§1, ¶E, as amended by PL 2001, c. 519, §1, is further amended to read:

E. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs shall use the following list as a guideline for scheduling reviews:

- (1) Telecommunications Relay Services Advisory Council in 1997;
- (2) Department of Education in 1997;
- (2-A) State Board of Education in 1997;
- (3) Maine Arts Commission in 1999;
- (5) Maine Historic Preservation Commission in 1999;

- 2 (5-A) Notwithstanding section 952, Maine Historical
Society in 1999;
- 4 (6) Maine Library Commission in 1999;
- 6 (6-A) Maine State Cultural Affairs Council in 1999;
- 8 (6-B) Maine State Library in 1999;
- 10 (6-C) Maine State Museum in 1999;
- 12 (7) Maine State Museum Commission in 1999;
- 14 (8) Office of State Historian in 1999;
- 16 (9) Board of Trustees of the Maine Maritime Academy in
2001;
- 18 (10) Board of Trustees of the University of Maine
20 System in 2001;
- 22 (12) ~~Maine Technical~~ Community College System in 2001;
- 24 (13) Maine Health and Higher Educational Facilities
26 Authority in 2003; and
- 28 (14) Maine Educational Loan Authority in 2003.

30 **Sec. 5. 5 MRSA §18, sub-§1, ¶B,** as repealed and replaced by PL
1989, c. 443, §5, is amended to read:

32 B. "Executive employee" means the constitutional officers,
34 the State Auditor, members of the state boards and
36 commissions as defined in chapter 379 and compensated
members of the classified or unclassified service employed
by the Executive Branch, but it ~~shall~~ does not include:

- 38 (1) The Governor;
- 40 (2) Employees of and members serving with the National
Guard;
- 42 (3) Employees of the University of Maine System, the
44 Maine Maritime Academy and ~~state-technical-colleges~~ the
Maine Community College System;
- 46 (4) Employees who are employees solely by their
48 appointment to an advisory body;

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

6 (6) Members of advisory boards as listed in chapter
379.

8 **Sec. 6. 5 MRSA §18-A, sub-§1, ¶B**, as enacted by PL 2001, c.
10 203, §2, is amended to read:

12 B. "Executive employee" has the same meaning as set forth
in section 19, subsection 1, paragraph D except that
14 "executive employee" includes employees of and members
serving with the National Guard and employees of the
16 University of Maine System, the Maine Maritime Academy and
the ~~state-technical-colleges~~ Maine Community College System.

18 **Sec. 7. 5 MRSA §55, sub-§1, ¶A**, as enacted by PL 1999, c. 566,
20 §1, is amended to read:

22 A. Three members representing State Government, including:

24 (1) The Commissioner of Administrative and Financial
Services, or the commissioner's designee, who shall
26 serve as the chair of the committee;

28 (2) The Commissioner of Economic and Community
Development or the commissioner's designee; and

30 (3) One of the following 3 officials appointed by the
Governor on a rotating basis in the following order:

32 (a) The Commissioner of Education or a designee;

34 (b) The President of the Maine ~~Technical~~
36 Community College System or a designee; or

38 (c) The Chancellor of the University of Maine
System or a designee;

40 **Sec. 8. 5 MRSA §92-A, sub-§4**, as amended by PL 1995, c. 148,
42 §4, is further amended to read:

44 **4. State agency or agency.** "State agency" or "agency"
means any unit of State Government or local government, including
46 any state board or commission, except the Legislature and its
committees and subcommittees, the Judicial Department, the
48 University of Maine System, the Maine ~~Technical~~ Community College
System and the Maine Maritime Academy.

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2 **Sec. 9. 5 MRSA §285, sub-§1, ¶F-1**, as amended by PL 1989, c.
443, §6, is further amended to read:

4 F-1. Any employee of the Maine Technical Community College
6 System;

8 **Sec. 10. 5 MRSA §285, sub-§7**, as amended by PL 2001, c. 439,
Pt. XX, §5, is further amended to read:

10 **7. Payment by State.** Except as otherwise provided in this
12 subsection, the State, through the commission, shall pay 100% of
14 only the employee's share of the individual premium for the
16 standard plan identified and offered by the commission and
18 available to the employee as authorized by the commission, except
20 for Legislators, for whom the State shall pay 50% of the health
22 plan premium for dependent coverage. For any person appointed to
24 a position after November 1, 1981 who is employed less than full
time, the State shall pay a share of the employee's share reduced
pro rata to reflect the reduced number of work hours. The State
may not pay any portion of the health plan premium for a blind
person eligible for the group health plan under subsection 1,
paragraph H or for a licensed foster parent eligible for the
group health plan under subsection 1, paragraph I.

26 For persons who were first employed before July 1, 1991, the
28 State shall pay 100% of only the retiree's share of the premiums
30 for the standard plan identified and offered by the commission
32 and available to the retiree, as authorized by the commission for
persons who were previously eligible for this health plan
pursuant to subsection 1, paragraph A and who have subsequently
become eligible pursuant to subsection 1, paragraph G.

34 For persons who were first employed by the State after July 1,
36 1991, the State shall pay a pro rata share portion of only the
38 retiree's share of the premiums for the standard plan identified
40 and offered by the commission and available to the retiree, as
42 authorized by the commission for persons who were previously
eligible for this health plan pursuant to subsection 1, paragraph
A and who have subsequently become eligible pursuant to
subsection 1, paragraph G based on the total number of years of
participation in the group health plan prior to retirement as
follows:

44 Years of Participation	State Portion
46 10 or more years	100% group health plan premium
48 9 but less than 10 years	90% group health plan

2	8 but less than 9 years	premium 80% group health plan
4	7 but less than 8 years	premium 70% group health plan
6	6 but less than 7 years	premium 60% group health plan
8	5 but less than 6 years	premium 50% group health plan
10	Less than 5 years	premium No contribution

16 Pursuant to Title 20-A, section 12722, subsection 5, this
17 subsection applies to participants in the defined contribution
18 plan offered by the Board of Trustees of the Maine Technical
19 Community College System Board--of--Trustees under Title 20-A,
20 section 12722.

22 **Sec. 11. 5 MRSA §285-A, sub-§2, ¶H,** as amended by PL 1997, c.
23 77, §1, is further amended to read:

24 H. One labor member from the Maine Technical Community
25 College System faculty or administrative unit, appointed by
26 the employee organization authorized to represent the units;

28 **Sec. 12. 5 MRSA §285-A, sub-§2, ¶I,** as amended by PL 2001, c.
29 636, §1, is further amended to read:

30 I. One management member from the Maine Technical Community
31 College System appointed by the President of the Maine
32 Technical Community College System;

34 **Sec. 13. 5 MRSA §931, sub-§1, ¶H,** as amended by PL 1989, c.
35 443, §7, is further amended to read:

36 H. Officers and employees of the unorganized territory
37 school system; the teachers, administrators and professional
38 employees of the ~~state-technical-colleges~~ Maine Community
39 College System and the Governor Baxter School for the Deaf;
40 and the teachers, administrators and professional employees
41 of school systems in other state institutions;

42 **Sec. 14. 5 MRSA §1507, sub-§4-A,** as amended by PL 1989, c.
43 878, Pt. A, §11, is further amended to read:

44 **4-A. Maine community colleges.** The Governor may allocate
45 funds from such account in amounts not to exceed in total the sum

2 of \$100,000 in any fiscal year to provide funds for any unusual
and unforeseen needs as may arise in the operation of the Maine
4 ~~technical~~ community colleges. Allocations may be made from this
fund by the Governor only upon the written request of the Board
6 of Trustees of the Maine ~~Technical~~ Community College System and
after consultation with the State Budget Officer.

8 **Sec. 15. 5 MRSA §1507, sub-§5-A**, as repealed and replaced by
PL 1993, c. 349, §7, is amended to read:

10 **5-A. Job development training.** The Governor may allocate
12 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
14 extraordinary needs for state assistance in creating jobs by
assisting in meeting the training requirements of labor-intensive
16 new or expanding industries. In fiscal year 1989-90, \$75,000 of
this amount may also be allocated for immediate job training,
18 unemployment counseling, retraining and other assistance to
displaced workers. In fiscal year 1989-90, an additional \$75,000
20 of this amount may also be allocated for immediate job training,
unemployment counseling, retraining and other assistance to
22 displaced workers in the midcoast area of the State. Allocations
for this purpose may be made from this fund by the Governor only
24 upon the written request of the Commissioner of Labor and the
Commissioner of Economic and Community Development and after
26 consultation with the State Budget Officer. The commissioners'
request to the Governor must be formulated subsequent to their
28 consultation with the Commissioner of Education, the President of
the Maine ~~Technical~~ Community College System and the director of
30 the appropriate service delivery area as defined by the Job
Training Partnership Act.

32 **Sec. 16. 5 MRSA §1547, sub-§3**, as enacted by PL 1999, c. 731,
34 Pt. RRR, §1, is amended to read:

36 **3. Component units.** Component units of the State include,
but are not limited to, the following organizations: the Loring
38 Development Authority of Maine; the Finance Authority of Maine;
the Maine Educational Loan Authority; the Maine Municipal Bond
40 Bank; the Maine Health and Higher Education Facilities Authority;
the Maine Governmental Facilities Authority; the Maine Maritime
42 Academy; the Maine State Housing Authority; the University of
Maine System; the Maine ~~Technical~~ Community College System; and
44 the Maine State Retirement System. The State Controller may
identify additional component units in accordance with standards
46 established by a governmental accounting standards board.

48 **Sec. 17. 5 MRSA §1665, sub-§5**, as enacted by PL 1991, c. 376,
§20, is amended to read:

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2 **5. Maine Community College System; public improvements**
3 **budgetary estimate.** In accordance with Title 20-A, section
4 12706, subsection 4-A, the Board of Trustees of the Maine
5 ~~Technical~~ Community College System shall submit a prioritized
6 public improvements budget estimate to the State Budget Officer
7 in the manner prescribed in subsection 1. This budgetary
8 estimate must be separate from any prioritized public
9 improvements budget developed by the Bureau of Public
10 Improvements for the departments and agencies of State
11 Government. This estimate must be prepared by project title in
12 descending order of priority including for each project the total
13 amount of the request, the accumulative total request and the
14 type of capital improvement.

15 **Sec. 18. 5 MRSA §1737, sub-§4,** as amended by PL 1997, c. 46,
16 §1, is further amended to read:

17 **4. Directed services.** Notwithstanding the provisions of
18 subsection 2, the director may provide insurance advice or
19 services for family foster homes as defined in Title 22, section
20 8101, subsection 3; specialized children's homes, as defined in
21 Title 22, section 8101, subsection 5; respite care providers as
22 defined in Title 34-B, section 6201, subsection 2-A; the Casco
23 Bay Island Transit District created by Private and Special Law
24 1981, chapter 22; the University of Maine System; the Maine
25 ~~Technical~~ Community College System; the Maine Maritime Academy;
26 and the State's service delivery areas designated under the
27 federal Job Training Partnership Act, Public Law 97-300, as
28 amended.

29 **Sec. 19. 5 MRSA §1742-C, sub-§2,** as amended by PL 2001, c.
30 667, Pt. B, §1, is further amended to read:

31 **2. Maine Community College System; Maine Maritime Academy.**
32 The Bureau of General Services shall provide any of the services
33 set out in section 1742, subsections 1 to 9, 12 to 14, 19 and 23
34 to the Maine ~~Technical~~ Community College System and the Maine
35 Maritime Academy. Application of section 1742, subsection 23 to
36 these institutions is limited to all public improvements:

37 A. Costing \$25,000 or more; or

38 B. Costing less than \$25,000 when building codes or other
39 legal requirements exist.

40 **Sec. 20. 5 MRSA §1742-C, sub-§3,** as enacted by PL 1991, c.
41 376, §22, is amended to read:

42 **3. Public improvements budget submission; Maine Community**
43 **College System.** In accordance with section 1665, subsection 5
44

2 and Title 20-A, section 12706, subsection 4-A, the Bureau of
Public Improvements shall advise and assist the Maine ~~Teehnieal~~
3 Community College System in developing a prioritized public
improvements budget for the system. This budget must be
4 presented to the Governor and the Legislature as separate from
6 the public improvements budget developed by the Bureau of Public
Improvements for the departments and agencies of State Government.

8
10 **Sec. 21. 5 MRSA §1762-A, sub-§3**, as enacted by PL 1991, c.
246, §1, is amended to read:

12 **3. Maine Community College System.** The Maine ~~Teehnieal~~
Community College System under Title 20-A, chapter 431; and

14
16 **Sec. 22. 5 MRSA §1770, sub-§1**, as enacted by PL 1999, c. 735,
§1, is amended to read:

18 **1. Goal.** The Legislature finds it is in the best interests
of the State to significantly reduce its energy consumption to
20 the extent possible without interfering with other goals, plans
and policies of the State. The energy reduction goal, referred
22 to in this section as the "goal," for facilities owned by the
State is, by 2010, a 25% reduction in energy consumption relative
24 to baseline consumption in 1998, as long as the achievement of
the goal is accomplished in a manner that:

26 A. Is consistent with all applicable laws; and

28 B. Does not interfere with other goals, plans or policies of
30 the State.

32 For purposes of this subsection, "facilities owned by the State"
includes all facilities that consume energy and that are owned by
34 the legislative, judicial or executive branches of government,
any state department, agency or authority, the University of
36 Maine System or the Maine ~~Teehnieal~~ Community College System.

38 **Sec. 23. 5 MRSA §1825-B, sub-§2, ¶E**, as repealed and replaced
by PL 1995, c. 625, Pt. A, §5, is amended to read:

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42 E. The purchase is part of a cooperative project between
the State and the University of Maine System or the Maine
~~Teehnieal~~ Community College System involving:

44
46 (1) An activity assisting a state agency and enhancing
the ability of the university system or ~~teehnieal~~
community college system to fulfill its mission of
48 teaching, research and public service; and

2 (2) A sharing of project responsibilities and, when
appropriate, costs;

4 **Sec. 24. 5 MRSA §1892, sub-§§2, 3 and 4**, as amended by PL 1999,
c. 165, §6, are further amended to read:

6
8 **2. Advisory members.** An advisory member must be appointed
by the Legislative Council to represent the agencies of the
Legislature that provide research and information to the
10 Legislature and its committees and an advisory member must be
appointed by the Chief Justice of the Supreme Judicial Court to
12 ensure that the needs of the Legislature and the Judiciary are
known and to inform them of available information, access and
14 innovations to be considered. Advisory members must also be
appointed by the Maine State Housing Authority, the Finance
16 Authority of Maine, the Maine State Retirement System and the
Maine Turnpike Authority. In addition, the Chancellor of the
18 University of Maine System and the President of the Maine
Technical Community College System each shall appoint an advisory
20 member to ensure that the needs of state institutions of higher
education are known and to encourage the development of
22 compatible information systems and the sharing of information and
technologies between educational institutions and agencies of
24 State Government.

26 **3. Terms of office.** The voting and advisory members
representing state agencies, the Legislature, the Judiciary, the
28 University of Maine System and the Maine Technical Community
College System shall serve for a period that coincides with the
30 term of appointment to the agency they represent or to the term
designated by the appointing authority, unless revoked sooner by
32 the appointing authority. The members of the private sector
serve 3-year terms, except that the initial term of one member is
34 2 years and the initial term of the other members is 3 years.

36 **4. Expenses and compensation.** All members are entitled to
reimbursement for expenses in accordance with chapter 379.
38 Members representing state agencies, the Executive Department,
the Legislature, the University of Maine System, the Maine
40 Technical Community College System and the Judiciary are
reimbursed for expenses from the budgets of the departments they
42 represent.

44 A. The members of the board are not entitled to
compensation.

46
48 **Sec. 25. 5 MRSA §3371, sub-§2, ¶J**, as enacted by PL 1999, c.
731, Pt. AAAA, §1, is amended to read:

2 J. The administrator of the Maine Fire Training and
Education Program within the Maine ~~Teehniaeal~~ Community
College System, or the administrator's designee; and

4
6 **Sec. 26. 5 MRSA §7051, sub-§4**, as amended by PL 2001, c. 662,
§§1 to 3, is further amended to read:

8 **4. Employees in military service; substitutes.** Whenever
any employee, regularly employed in other than a temporary
10 position for a period of at least 6 months by the State or by any
department, bureau, commission or office of the State, or by the
12 University of Maine System, ~~teehniaeal--colleges~~ Maine Community
College System, Maine School Building Authority, Maine Turnpike
14 Authority, Finance Authority of Maine or any other state or
quasi-state agency, or by any county, municipality, township or
16 school district within the State shall in time of war,
contemplated war, emergency or limited emergency, ~~enlist~~ enlists,
18 ~~enroll~~ enrolls, be is called or ordered or be drafted into the
Armed Forces of the United States or any branch or unit thereof,
20 or ~~shall--be~~ is regularly drafted under federal manpower
regulations, the employee shall may not be deemed or held to have
22 thereby resigned from or abandoned employment, nor shall may be
removable during the period of service. "Temporary," for the
24 purpose of this section, means employment based on a seasonal or
on-call basis or employment based on a contract of less than 6
26 months' duration.

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

32 **Sec. 27. 5 MRSA §7054, sub-§4**, as amended by PL 1989, c. 443,
§12, is further amended to read:

34 **4. Retention preference.** In any reduction in personnel in
36 the state service, veteran preference employees shall must be
retained in preference to all other competing employees in the
38 same classification with equal seniority, status and service
ratings.

40 In determining qualifications for examination and appointment
42 with respect to veteran preference eligibles under this section,
the director or other examining agency may waive requirements as
44 to age, height and weight, provided that any such requirement is
not essential to the performance of the duties of the position
46 for which examination is given. The director or other examining
agency, after giving due consideration to the recommendation of
48 any accredited physician, may waive the physical requirements in
the case of any veteran, provided that the veteran is, in the
50 opinion of the director or other examining agency, physically

2 able to discharge efficiently the duties of the position for
which the examination is given.

4 This section applies to all examinations for original positions
6 in the State Police, Department of Inland Fisheries and Wildlife,
Department of Marine Resources, University of Maine System,
8 ~~technical-colleges~~ Maine Community College System, Maine School
Building Authority, Maine Turnpike Authority, Finance Authority
of Maine or any other state or quasi-state agency.

10

12 **Sec. 28. 5 MRSA §8002, sub-§2**, as amended by PL 1995, c. 246,
§1, is further amended to read:

14 **2. Agency.** "Agency" means any body of State Government
16 authorized by law to adopt rules, to issue licenses or to take
final action in adjudicatory proceedings, including, but not
18 limited to, every authority, board, bureau, commission,
department or officer of the State Government so authorized; but
20 the term does not include the Legislature, Governor, courts,
University of Maine System, Maine Maritime Academy, ~~technical~~
22 ~~colleges~~ Maine Community College System, the Commissioner of
Education for schools of the unorganized territory, school
24 administrative units, community action agencies as defined in
Title 22, section 5321, special purpose districts or
26 municipalities, counties or other political subdivisions of the
State.

28 **Sec. 29. 5 MRSA §12004-G, sub-§26-A**, as enacted by PL 1993, c.
30 392, §1, is repealed.

32 **Sec. 30. 5 MRSA §15302, sub-§3, ¶B**, as amended by PL 1999, c.
541, §1, is further amended to read:

34 B. The Commissioner of Economic and Community Development
36 or the commissioner's designee, the President of the Maine
~~Technical~~ Community College System or the president's
38 designee and the Chancellor of the University of Maine
System or the chancellor's designee are ex officio voting
directors.

40

42 **Sec. 31. 5 MRSA §15321, sub-§2, ¶B**, as enacted by PL 1999, c.
731, Pt. UUU, §3, is amended to read:

44 B. The Department of Economic and Community Development
46 shall establish an Applied Technology Development Center
System Coordinating Board that consists of interested
48 parties in the State to coordinate system activities. The
Applied Technology Development Center System Coordinating
Board consists of at least the following members:

50

2 (1) The Commissioner of Economic and Community
Development or the commissioner's designee;

4 (2) The director;

6 (3) A representative from each applied technology
development center, chosen by that center;

8 (4) A representative from the University of Maine
10 System, chosen by the Chancellor of the University of
Maine System;

12 (5) A representative of the Maine Technical Community
14 College System, chosen by the President of the Maine
Technical Community College System;

16 (6) A representative of a nonprofit organization that
18 is funded by the State and promotes the State to
business entities, chosen by that organization;

20 (7) An attorney, chosen by the Commissioner of
22 Economic and Community Development;

24 (8) A financial expert, chosen by the Commissioner of
Economic and Community Development; and

26 (9) A representative of the institute.
28

30 **Sec. 32. 5 MRSA §17001, sub-§11**, as amended by PL 1989, c.
443, §16, is further amended to read:

32 **11. Department.** "Department" means any department,
commission, institution or agency of State Government including
34 the Maine Technical Community College System.

36 **Sec. 33. 5 MRSA §17001, sub-§40**, as amended by PL 2001, c.
239, §2 and affected by §5 and amended by c. 374, §4, is repealed
38 and the following enacted in its place:

40 **40. State employee.** "State employee" means any regular
classified or unclassified officer or employee in a department,
42 any employee of the Maine Community College System, except those
who make the election provided under Title 20-A, section 12722,
44 any employee of the Governor Baxter School for the Deaf, except
as provided in Title 20-A, section 7407, subsection 3-A, any
46 employee of the Maine Military Authority, any employee of the
Northern New England Passenger Rail Authority and any employee
48 transferred from the Division of Higher Education Services to the
Finance Authority of Maine who elects to be treated as a state
50 employee, but does not include:

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

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

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

12 **Sec. 34. 5 MRSA §17652, sub-§3,** as enacted by PL 1997, c. 763,
14 §3 and affected by §7, is amended to read:

16 **3. Certain employees of the Maine Community College**
 System. Notwithstanding section 17651, membership in the
18 retirement system is optional for employees of the Maine
 ~~Technical~~ Community College System who are eligible to
20 participate in a retirement plan pursuant to Title 20-A, section
 12722.

22 **Sec. 35. 5 MRSA §17653, sub-§2,** as repealed and replaced by PL
24 1991, c. 619, §6 and affected by §18, is amended to read:

26 **2. Maine Community College System.** The Maine ~~Technical~~
 Community College System may deny membership to adjunct faculty
28 members and part-time, seasonal or temporary employees.

30 **Sec. 36. 7 MRSA §212, sub-§3,** as amended by PL 1989, c. 443,
 §18, is further amended to read:

32 **3. State or school purchaser.** "State or school purchaser"
34 means any person who purchases foodstuffs for any state
 institution or agency, the ~~technical~~ community colleges or the
36 school districts of this State.

38 **Sec. 37. 10 MRSA §918, sub-§2,** as amended by PL 1997, c. 662,
 §2, is further amended to read:

40 **2. Public sector corporators.** Public sector corporators are
42 those agencies of government and other organizations providing
 support annually to the foundation, at a level determined by the
44 board of directors. For the purposes of this chapter, public
 sector corporators include: municipal and county government;
46 councils of government; local and area development corporations;
 regional planning commissions; development districts; state
48 agencies; higher educational facilities, including the components
 of the state university system, the Maine Maritime Academy,
 private colleges and postsecondary schools, and ~~technical~~

2 community colleges; and such other public or quasi-public
entities as may be approved by the directors of the foundation.

4 **Sec. 38. 10 MRSA §945-B, sub-§1**, as enacted by PL 1995, c.
648, §5, is amended to read:

6
8 **1. Members.** Members are the private individuals,
partnerships, firms, corporations, governmental entities and
10 other organizations who pay dues to the center. For the purposes
of this chapter, members may include, but are not limited to,
12 municipal and county government, councils of government, local
and area development corporations, regional planning commissions,
14 development districts, state agencies, higher educational
facilities, including the components of the University of Maine
System, the Maine Maritime Academy, private colleges and
16 postsecondary schools and ~~technical~~ community colleges, and other
public or quasi-public entities. The following 8 public
18 organizations are granted membership by virtue of the State's
contribution to the organization, are exempt from dues
20 requirements and each is entitled to designate one individual to
exercise its voting right: the Department of Agriculture, Food
22 and Rural Resources, the State Planning Office, the Finance
Authority of Maine, the Department of Labor, the Department of
24 Conservation, the Department of Marine Resources, the Department
of Economic and Community Development and the Department of
26 Transportation.

28 **Sec. 39. 10 MRSA §1478, sub-§1, ¶A**, as amended by PL 1989, c.
443, §20, is further amended to read:

30
32 A. For the purposes of this section, "state agency"
includes the Maine ~~technical~~ community colleges.

34 **Sec. 40. 14 MRSA §8102, sub-§4**, as amended by PL 2001, c. 374,
§5, is further amended to read:

36
38 **4. State.** "State" means the State of Maine or any office,
department, agency, authority, commission, board, institution,
hospital or other instrumentality of the State, including the
40 Maine Turnpike Authority, the Maine Port Authority, the Northern
New England Passenger Rail Authority, the Maine ~~Technical~~
42 Community College System, the Maine Veterans' Homes, the Maine
State Retirement System, the Maine Military Authority and all
44 such other state entities.

46 **Sec. 41. 20-A MRSA §9, first ¶**, as enacted by PL 1995, c. 395,
Pt. J, §1, is amended to read:

48
50 The Education Coordinating Committee, referred to in this
section as the "committee," is established to promote efficiency,

2 cooperative effort and strategic planning between the Department
3 of Education, the State Board of Education, the University of
4 Maine System, the Maine ~~Teehniael~~ Community College System and
5 the Maine Maritime Academy. The committee consists of the
6 Commissioner of Education, the Chair of the State Board of
7 Education, the Chancellor of the University of Maine System, the
8 Chair of the Board of Trustees of the University of Maine System,
9 the President of the Maine ~~Teehniael~~ Community College System,
10 the Chair of the Board of Trustees of the Maine ~~Teehniael~~
11 Community College System, the President of the Maine Maritime
12 Academy and the Chair of the Board of Trustees of the Maine
Maritime Academy.

14 **Sec. 42. 20-A MRSA §4771**, as enacted by PL 1997, c. 758, §2,
15 is amended to read:

16

§4771. Eligible institution; defined

18

19 As used in this chapter, unless the context otherwise
20 indicates, "eligible institution" means the institutions of the
21 University of Maine System, the Maine ~~Teehniael~~ Community College
22 System and the Maine Maritime Academy.

24 **Sec. 43. 20-A MRSA §6359, sub-§1, ¶G**, as amended by PL 1989,
25 c. 443, §22, is further amended to read:

26

27 G. "School" means any public or private, post-secondary
28 school in the State including, but not limited to colleges,
29 universities, ~~teehniael~~ community colleges and schools for
30 the health professions.

32 **Sec. 44. 20-A MRSA §6904, sub-§10**, as enacted by PL 1993, c.
33 348, §1, is amended to read:

34

35 **10. Cooperation with agencies and organizations.** Cooperate
36 with governmental agencies, the University of Maine System and
37 the Maine ~~Teehniael~~ Community College System; and cooperate,
38 assist and otherwise encourage organizations, local or regional,
39 private or public, in the communities of the State in the
40 promotion, assistance and development of school-to-work
41 transition systems, youth apprenticeship and job training systems
42 in communities and the State.

44 **Sec. 45. 20-A MRSA §8204, sub-§1, ¶E**, as enacted by PL 1993,
45 c. 706, Pt. A, §4, is amended to read:

46

47 E. The President of the Maine ~~Teehniael~~ Community College
48 System or the president's designee;

2 **Sec. 46. 20-A MRSA §8402**, as amended by PL 1999, c. 683, §2,
is further amended to read:

4 **§8402. Programs**

6 A center shall provide programs of vocational education.
7 Programs of vocational education are eligible to receive state
8 subsidy pursuant to chapters 606 and 609. All programs of
vocational education offered by a center must be approved by the
10 commissioner pursuant to section 8306-A. The program must offer
a sequence of courses that are directly related to the
12 preparation of individuals for employment in current or emerging
occupations and may include training and education in academic
14 and business skills preparing students to further their education
at the ~~technical~~ community college or other college level or
16 allowing students to use trade and occupational skills on other
than an employee basis. Programs of vocational education may
18 also include alternative educational programs and training and
education in music, athletics, art and other activities approved
20 by the commissioner pursuant to section 8306-A.

22 **Sec. 47. 20-A MRSA §8451-A**, as amended by PL 1999, c. 683,
§3, is further amended to read:

24 **§8451-A. Programs**

26 A region shall provide programs of vocational education.
28 Programs of vocational education are eligible to receive state
subsidy pursuant to chapters 606 and 609. All programs of
30 vocational education offered by a region must be approved by the
commissioner pursuant to section 8306-A. The program must offer
32 a sequence of courses that are directly related to the
preparation of individuals for employment in current or emerging
34 occupations and may include training and education in academic
and business skills preparing students to further their education
36 at the ~~technical~~ community college or college level or allowing
students to use trade and occupational skills on other than an
38 employee basis. Programs of vocational education may also
include alternative educational programs and training and
40 education in music, athletics, art and other activities approved
by the commissioner pursuant to section 8306-A.

42 **Sec. 48. 20-A MRSA §9000, sub-§2**, as amended by PL 1989, c.
44 443, §23, is further amended to read:

46 **2. System.** "System" means the Maine Technical Community
College System, established by chapter 431.

48 **Sec. 49. 20-A MRSA §9801, sub-§2, ¶C**, as enacted by PL 1995,
50 c. 430, §2, is amended to read:

2 C. Three postsecondary education employees: one from the
University of Maine System chosen by the Governor from a
4 list of nominees supplied by the Chancellor of the
University of Maine System; one from the Maine Technical
6 Community College System chosen by the President of the
Senate from a list of nominees supplied by the President of
8 the Maine Technical Community College System; and one from
the Maine Maritime Academy chosen by the Speaker of the
10 House of Representatives from a list of nominees supplied by
the President of the Maine Maritime Academy;

12 **Sec. 50. 20-A MRSA §10006, sub-§1**, as enacted by PL 1999, c.
14 511, §1, is amended to read:

16 **1. Endowment Incentive Fund; nonlapsing fund.** The
Endowment Incentive Fund, referred to in this section as the
18 "endowment fund," is created to provide an incentive for private
donations for endowment purposes to and for the benefit of the
20 University of Maine System, the Maine Technical Community College
System and the Maine Maritime Academy, referred to in this
22 section as "postsecondary entities," by providing matching state
funds for certain private donations for specified purposes. Any
24 funds appropriated by the Legislature to carry out the purposes
of this section may not lapse and must be carried forward for
26 continued use in the fund.

28 **Sec. 51. 20-A MRSA §10006, sub-§2**, as corrected by RR 1999, c.
1, §26, is amended to read:

30 **2. Treasurer of State authority for deposit of state funds;
interest earned on the endowment fund; disbursement of endowment
32 funds.** The Treasurer of State is responsible for the custodial
care of the endowment fund and may deposit state funds pursuant
34 to Title 5, section 135. Interest earned on the investment of
the endowment fund must be credited to the respective
36 postsecondary entity or its qualified institutionally related
foundation. The Treasurer of State is responsible for
38 disbursement of the endowment fund, upon certification by the
Chancellor of the University of Maine System, the President of
40 the Maine Technical Community College System and the President of
the Maine Maritime Academy that the criteria established in
42 subsection 3 are met.

44 **Sec. 52. 20-A MRSA §10006, sub-§4**, as enacted by PL 1999, c.
46 511, §1, is amended to read:

48 **4. Qualified recipients; institutionally related
foundations; management of endowment funds.** Qualified recipients
50 of private donations eligible for matching funds are the

University of Maine System and each of its universities, the
2 Maine ~~Technical~~ Community College System and each of its colleges
and the Maine Maritime Academy, as well as institutionally
4 related foundations qualified under the Internal Revenue Code,
Section 501(c)(3). Qualified institutionally related foundations
6 may receive and manage the investment of matching funds, and may,
at their discretion, hold funds allocated to them. In the
8 absence of any conditions or restrictions to the contrary made by
the donor, qualified recipients of private donations eligible for
10 matching funds may combine, pool or merge these funds with other
similar gift and endowment funds.

12
Sec. 53. 20-A MRSA §10006, sub-§5, ¶¶A and B, as enacted by PL
14 1999, c. 511, §1, are amended to read:

16 A. For an appropriated amount of more than \$10,000,000:

- 18 (1) University of Maine System 70%
20 (2) Maine ~~Technical~~ Community College System 25%; and
22 (3) Maine Maritime Academy 5%; and

24 B. For an appropriated amount of \$10,000,000 or less:

- 26 (1) University of Maine System 75%;
28 (2) Maine ~~Technical~~ Community College System 20%; and
30 (3) Maine Maritime Academy 5%.

32 **Sec. 54. 20-A MRSA §10006, sub-§7,** as enacted by PL 1999, c.
34 511, §1, is amended to read:

36 **7. Reduction prohibited.** Appropriations to the fund must
be in addition to any other funds appropriated to the University
38 of Maine System, the Maine ~~Technical~~ Community College System and
the Maine Maritime Academy and may not be used to reduce
40 appropriations for other purposes.

42 **Sec. 55. 20-A MRSA §10007,** as enacted by PL 2001, c. 86, §1,
is amended to read:

44 **§10007. Limitation on receipt of gifts, grants or donations;
trustee policy and review**

46
48 In furtherance of the provisions of section 10902,
subsection 2, paragraph B, the Board of Trustees of the Maine
50 Maritime Academy, the Board of Trustees of the University of
Maine System and the Board of Trustees of the Maine ~~Technical~~

2 Community College System shall each adopt a policy that ensures
4 that each public system, its respective campus and any foundation
6 related to each public system or its campus is prohibited from
8 accepting funds from any source that would interfere with or
10 otherwise restrict the academic freedoms typically accorded to
12 the faculty of public higher educational institutions in
14 teaching, research and expression of opinions. Policies adopted
16 or amended by the trustees of each public system must include the
 establishment of a process for reviewing gifts, grants or
 donations of funds to ensure that the gifts, grants or donations
 of funds do not include restrictions that would interfere with or
 otherwise restrict the academic freedom of the faculty of each
 public system. This section may not be construed in such a way
 as to prohibit a donor from designating funds for a particular
 purpose or use, including, but not limited to, research,
 scholarships, construction or development.

18 **Sec. 56. 20-A MRSA §10701, sub-§3**, as amended by PL 1991, c.
20 563, §3, is further amended to read:

22 **3. Educational institution.** "Educational institution"
24 means any person, partnership, board, association, institution or
26 corporation other than the University of Maine System and the
 Maine Technical Community College System that offers academic,
 educational, literary or professional courses or programs.

28 **Sec. 57. 20-A MRSA §11415, sub-§2**, as amended by PL 1999, c.
30 728, §13, is further amended to read:

32 **2. Qualifications.** Each member must be a resident of this
34 State. One member must be the Treasurer of State, ex officio and
36 nonvoting, or the Treasurer of State's designee. Of the
38 remaining 6 members to be appointed by the Governor, 3 members
40 must be trustees, directors, officers or employees of
42 institutions of higher education, one of whom must be from an
44 institution not owned or operated by the State or any of its
46 political subdivisions and one of whom must be from a technical
48 community college owned or operated by the State. Each member of
50 the authority, before entering upon that member's duties, shall
 take and subscribe the oath or affirmation required by the
 Constitution of Maine, Article IX, Section 1. A record of each
 oath must be filed in the office of the Secretary of State. With
 the exception of a member serving in an ex officio capacity, a
 member of the authority may not at the same time serve as an
 officer, director or employee of a nonprofit corporation formed
 under section 11407 and former Title 20, section 2237, of the
 state agency designated as administrator of federal guaranteed
 student loan programs pursuant to chapter 417, subchapter 1 or
 of any entity that has a contract to provide a significant level
 of administrative services to the authority, to a nonprofit

corporation formed under section 11407 and former Title 20,
section 2237 or to the state agency designated as administrator
of federal guaranteed student loan programs pursuant to chapter
417, subchapter 1.

Sec. 58. 20-A MRSA §11614, sub-§6, as amended by PL 2001, c.
70, §8, is further amended to read:

6. Safety net. Notwithstanding the provisions of this
section, the authority may not allocate less in grants under this
chapter for students attending the University of Maine System,
the Maine Maritime Academy, the Maine ~~Technical~~ Community College
System and private postsecondary institutions than was allocated
for students in each of those institutions or groups of
institutions of higher education in 1988-89.

Sec. 59. 20-A MRSA §12552, sub-§3, as amended by PL 1989, c.
443, §27, is further amended to read:

3. State post-secondary educational institution.
"Post-secondary educational institution" means the University of
Maine System, the Maine Maritime Academy and the ~~technical~~
colleges Maine Community College System.

Sec. 60. 20-A MRSA §12571, sub-§3, as enacted by PL 1999, c.
216, §1, is amended to read:

3. State postsecondary educational institution.
"Postsecondary educational institution" means the University of
Maine System, the Maine Maritime Academy and the Maine ~~Technical~~
Community College System.

Sec. 61. 20-A MRSA c. 431 is amended by repealing the chapter
headnote and enacting the following in its place:

CHAPTER 431

MAINE COMMUNITY COLLEGE SYSTEM

Sec. 62. 20-A MRSA §12701, sub-§3, as amended by PL 1989, c.
443, §32, is further amended to read:

3. President. "President" means the president of a
~~technical~~ community college.

Sec. 63. 20-A MRSA §12701, sub-§4, as amended by PL 1989, c.
878, Pt. I, §1, is further amended to read:

4. President of the system. "President of the system" means
the President of the Maine ~~Technical~~ Community College System.

2 **Sec. 64. 20-A MRSA §12701, sub-§§5 and 6**, as amended by PL
1989, c. 443, §32, are further amended to read:

4 **5. College.** "College" means a ~~teechnieal~~ community college
as established in section 12714.

6 **6. System.** "System" means the Maine ~~Teechnieal~~ Community
8 College System.

10 **Sec. 65. 20-A MRSA §12701, sub-§7**, as amended by PL 1989, c.
878, Pt. I, §2, is further amended to read:

12 **7. Maine Community College System Office.** "Maine ~~Teechnieal~~
14 Community College System Office" means the office of the
president of the system, together with the offices of supporting
16 staff, as established in section 12710.

18 **Sec. 66. 20-A MRSA §12702**, as amended by PL 1989, c. 443,
§34, is further amended to read:

20 **§12702. System established**

22 There is established the Maine ~~Teechnieal~~ Community College
24 System, which ~~shall--be~~ is a body corporate and politic and a
public instrumentality of the State, and the exercise of the
26 powers conferred by this chapter ~~shall--be~~ is deemed and held to
be the performance of essential governmental functions. The
28 system ~~shall--consist~~ consists of the board of trustees, the
~~Teechnieal~~ Maine Community College Support Office and the
30 ~~teechnieal~~ community colleges.

32 **Sec. 67. 20-A MRSA §12703**, as amended by PL 1989, c. 443,
§35, is further amended to read:

34 **§12703. Mission and goals**

36 The basic mission of the Maine ~~Teechnieal~~ Community College
38 System is to provide associate degree, diploma and certificate
programs directed at the educational, occupational and technical
40 needs of the State's citizens and the workforce needs of the
State's employers.

42 The primary goals of post-secondary vocational-technical
44 education and the Maine ~~Teechnieal~~ Community College System are to
create an educated, skilled and adaptable labor force ~~which~~ that
46 is responsive to the changing needs of the economy of the State
and to promote local, regional and statewide economic development.

48 **Sec. 68. 20-A MRSA §12704, sub-§2**, as amended by PL 1995, c.
50 560, Pt. G, §5 and affected by §29, is further amended to read:

2 **2. Statewide and regional planning and coordination.**
3 Coordinating, on a statewide and regional basis, the planning and
4 operation of the post-secondary applied technology and technical
5 education programs offered by the ~~institutes~~ colleges with the
6 planning and operation of:

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

10 B. The adult, continuing and community education programs
11 overseen by the Department of Education, Division of Adult
12 and Community Education, or its successor;

13 C. The secondary occupational and applied technology
14 education programs overseen by the Department of Education,
15 Division of Applied Technology Education, or its successor;

16 D. The employment and training programs funded under the
17 United States Job Training Partnership Act, Public Law
18 97-300, or its successor, and overseen by the Department of
19 Labor, Bureau of Employment Services, or its successor; and

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

24 **Sec. 69. 20-A MRSA §12705, sub-§1, ¶G,** as amended by PL 1995,
25 c. 688, §11, is further amended to read:

26 G. One member who is from the student body of one of the
27 ~~technical~~ college campuses at the time of appointment and
28 who is a permanent resident of the State. To be eligible
29 for appointment as a student member, a student must be
30 enrolled for a minimum of 12 credit hours per semester.

31 The student member is a full voting member of the board of
32 trustees and serves for a 2-year term and until a successor
33 is qualified. By January 1st of every 2nd year, the
34 president of the system shall solicit a list of 6 eligible
35 students from the student governments from 6 of the campuses
36 within the Maine ~~Technical~~ Community College System, the 7th
37 campus being excluded in accordance with this subsection.
38 The Governor shall then nominate a student trustee chosen
39 from the list within 30 days of receiving the list of
40 names. The nomination is subject to review by the joint
41 standing committee of the Legislature having jurisdiction
42 over education matters and to confirmation by the
43 Legislature. The student trustee may not come from the same

2 campus in any 2 consecutive terms. In the event that the
3 student trustee transfers from one campus to another during
4 the student's term of appointment, the student's original
5 campus of enrollment is the campus excluded when the next
6 student trustee is appointed.

7 **Sec. 70. 20-A MRSA §12706, sub-§1**, as amended by PL 1989, c.
8 878, Pt. I, §4, is further amended to read:

9 **1. Policies.** To develop and adopt policies for the
10 operation of the system, the Maine ~~Technical~~ Community College
11 System Office and the colleges; establish the administrative
12 council; and approve programs and policies recommended by the
13 president of the system and the administrative council;

14 **Sec. 71. 20-A MRSA §12706, sub-§10**, as amended by PL 1989, c.
15 878, Pt. I, §5, is further amended to read:

16 **10. Legal affairs.** To sue and be sued in its own name.
17 Services of process in any action shall ~~shall~~ must be made by service
18 upon the president of the system, either in hand or by leaving a
19 copy of the process at the Maine ~~Technical~~ Community College
20 System Office;

21 **Sec. 72. 20-A MRSA §12706, sub-§19**, as amended by PL 2001, c.
22 590, §2, is further amended to read:

23 **19. Advisory committees.** To appoint or identify advisory
24 committees to advise the board of trustees with respect to
25 vocational and technical education and training policies and
26 programs, to procedures for modifying the programs of the
27 colleges to meet the needs of the State's economy and the
28 changing job market and to the efficient operation of the
29 colleges and the Maine ~~Technical~~ Community College System
30 Office. These committees may include, but need not be limited
31 to, the Maine Council on Vocational Education, authorized under
32 the United States Carl D. Perkins Vocational Education Act,
33 Section 112, Public Law 98-524, or its successor; and

34 **Sec. 73. 20-A MRSA §12708**, as amended by PL 1989, c. 878, Pt.
35 I, §7, is further amended to read:

36 **§12708. President of the system**

37 The board of trustees shall appoint the president of the
38 system who must be qualified by education and experience and
39 shall-serve serves at the pleasure of the board of trustees.

40 **Sec. 74. 20-A MRSA §12709**, as amended by PL 1995, c. 560, Pt.
41 G, §6, is further amended to read:

2 **§12709. Powers and duties of the president of the system**

4 The president of the system shall implement the policies of
6 the board of trustees and be responsible for the operation of the
8 system. The powers and duties of the president of the system
10 include:

12 **1. Leadership.** To develop policies, goals and objectives
14 with respect to the operation of the colleges, to be reviewed
16 and, when necessary, approved by the board of trustees. The
18 president of the system shall meet regularly with the
20 administrative council to develop these policies and goals;

22 **2. Maine Community College System Office staff**
24 **appointment.** Under procedures and standards developed by the
26 board of trustees, to appoint the staff of the Maine Technical
28 Community College System Office, including professional and
30 nonprofessional personnel and including, but not limited to,
32 private legal counsel and financial experts;

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

38 **4. Staff oversight.** To oversee the staff of the Maine
40 Technical Community College System Office and the presidents of
42 the colleges;

44 **5. Personnel evaluation.** Under policies and standards
46 developed by the board of trustees, to evaluate the performance
48 of the Maine Technical Community College System Office staff and
50 of the presidents of the colleges and to make personnel
52 recommendations to the board of trustees;

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

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

74 **8. Accounting system and procedures.** To provide for an
76 accounting system and procedures that reflect and identify all
78 appropriations, allocations, income and revenues and all

2 expenditures of each college and the Maine Technical Community
College System Office;

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

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

14 **11. Interagency cooperation and communication.** To promote
16 cooperation and communication with the Department of Education
and the Bureau of Employment Services, or their successors, with
18 the University of Maine System and with other public and private
educational and training institutions;

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

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

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

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

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

40 **Sec. 75. 20-A MRSA §12710,** as amended by PL 1989, c. 443,
42 §46, is further amended to read:

44 **§12710. Maine Community College System Office**

46 The Maine Technical Community College System Office shall
implement the policies of the board of trustees and shall provide
48 staff and technical assistance to each college and state-level
coordination and leadership to the system.

50

2 **Sec. 76. 20-A MRSA §12714**, as amended by PL 1993, c. 707, Pt.
O, §§1 and 2, is further amended to read:

4 **§12714. Name and program of the colleges**

6 The program of the ~~teechnieal~~ colleges shall must be designed
to educate, train and prepare high school graduates, or the
8 equivalent, for possible employment as technicians or
technologists, including health technicians and technologists,
10 engineering assistants, business and office administrators or
workers, mechanics or repairers, craft workers, construction
12 workers or precision production workers or other skilled workers,
in accordance with the mission and goals set forth in section
14 12703. Unless and until the board of trustees ~~deems~~ considers it
necessary to adopt other nomenclature to fulfill the purposes of
16 this chapter, the names of the colleges shall ~~be~~ are:

18 1. **Central Maine.** Central Maine ~~Teechnieal~~ Community
College;

20 2. **Eastern Maine.** Eastern Maine ~~Teechnieal~~ Community
22 College;

24 3. **Kennebec Valley.** Kennebec Valley ~~Teechnieal~~ Community
College;

26 4. **Northern Maine.** Northern Maine ~~Teechnieal~~ Community
28 College;

30 5. **Southern Maine.** Southern Maine ~~Teechnieal~~ Community
College;

32 6. **Washington County.** Washington County ~~Teechnieal~~
34 Community College; and

36 7. **York County.** York County ~~Teechnieal~~ Community College.

38 **Sec. 77. 20-A MRSA §12715**, as amended by PL 1989, c. 443,
§51, is further amended to read:

40 **§12715. Accreditation**

42 The colleges may seek and maintain membership in the
44 appropriate regional accrediting association and shall strive to
satisfy the requirements necessary to achieve and maintain
46 accreditation as ~~teechnieal~~ community colleges and to meet the
requirements necessary to receive federal aid. Whenever feasible
48 and appropriate, programs of study offered by the colleges shall
must meet the requirements of the corresponding occupations for
50 licensing, certification or registration. As provided in Title

32, college graduates with appropriate training and experience shall must be eligible for licensure as journeyman workers in certain specified occupations upon passage of the journeyman's examination.

Sec. 78. 20-A MRSA §12725, as enacted by PL 1993, c. 707, Pt. CC, §1, is amended to read:

§12725. Establishment

There are established, under the Maine ~~Teehnieal~~ Community College System, the Maine Quality Centers, in this chapter referred to as the "centers." The mission of the centers is to meet the workforce education and training needs of new and expanding businesses in the State and provide new employment and career advancement opportunities for Maine people. The centers shall fulfill their mission by working in close coordination with state and regional economic development agencies.

Sec. 79. 20-A MRSA §12726, sub-§1, as enacted by PL 1993, c. 707, Pt. CC, §1, is amended to read:

1. Job creation. To encourage and facilitate the creation of new jobs in the State by offering customized education and training programs at the ~~teehnieal~~ community colleges free of charge to businesses that are seeking to create new jobs in the State. The eligibility criteria for free customized education and training programs and other policies and terms governing the centers are established by the Maine ~~Teehnieal~~ Community College System Board of Trustees;

Sec. 80. 20-A MRSA §12727, as affected by PL 1995, c. 560, Pt. G, §7 and amended by §29, is further amended to read:

§12727. Maine Quality Centers

1. State and regional delivery. The centers are located at the Maine ~~Teehnieal~~ Community College System Office and the ~~teehnieal~~ community colleges. Staff of the centers shall work in close coordination with the Department of Economic and Community Development, the Office of the Governor and other state and local education and economic development agencies.

2. Recruitment and screening. Recruitment of trainees and preliminary screening and testing for programs developed through the centers must be conducted by the ~~teehnieal~~ community colleges in conjunction with the Bureau of Employment Services, state job training providers, human service offices and other referring agencies.

50

2 **3. Eligibility for enrollment.** To be considered eligible
3 for programs developed under this chapter, applicants must meet
4 ~~technical~~ community college and program admissions standards.
5 Students who have enrolled in such programs must maintain
6 satisfactory academic performance and meet all requirements in
7 order to continue enrollment in the program.

8 **4. Cost to trainees.** Education and training programs
9 developed through the centers must be offered to trainees free of
10 charge.

11 **5. Certification of competencies.** Upon completion of a
12 program, trainees are issued certification from the ~~technical~~
13 community college providing the training that delineates the
14 education or skill competencies obtained through the program.

15 **6. Training guarantee.** If the employer of the trainee
16 finds that the trainee fails to meet any of the competencies
17 listed on the certification, the ~~technical~~ community college
18 providing the training must retrain the employee at no cost to
19 the employer or trainee.

20 **7. Placement of trainees.** Placement of trainees in jobs
21 with the employer for which a program has been provided is not
22 guaranteed. Final determination of hire rests with the employer.

23 **Sec. 81. 20-A MRSA §§12728 and 12729,** as enacted by PL 1993,
24 c. 707, Pt. CC, §1, are amended to read:

25 **§12728. Coordination with education providers**

26 If an education or training requirement can not be delivered
27 directly by a ~~technical~~ community college, staff of the centers
28 shall work with other education and training providers to develop
29 and deliver the program.

30 **§12729. Report**

31 The President of the Maine ~~Technical~~ Community College
32 System shall provide to the joint standing committee of the
33 Legislature having jurisdiction over economic development matters
34 an annual report that must include the following for each
35 business assisted under this chapter: the name and location of
36 the business; the number of employees trained or retrained; the
37 dollar amount expended; and, where applicable, the number of new
38 jobs created.

39 **Sec. 82. 20-A MRSA §12731,** as amended by PL 1995, c. 515, §2,
40 is repealed and the following enacted in its place:

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§12731. Administration and purpose

The Maine Community College System, in cooperation with the Department of Education, is authorized to provide comprehensive administrative and financial services to the Maine Career Advantage program, to assist high school students in making a successful transition from secondary school into college and careers through a combination of career exploration and planning services, internships, scholarships and college transition assistance. The purpose of the Maine Career Advantage program, referred to in this chapter as "the program," is to assist the Maine Community College System, public secondary schools and other publicly supported educational institutions in the State by providing additional resources and support for students who have not traditionally gone on to higher education and who may need assistance in developing educational and career goals and in pursuing those goals.

The Maine Community College System is authorized to receive and administer on behalf of the program any grants, fees, charges, appropriations and other funds from whatever source.

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Sec. 83. 20-A MRSA §12732, sub-§1, as enacted by PL 1993, c. 392, §2, is amended to read:

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1. Education and training. To provide a-sequential higher education and training program-~~that-enhances~~ opportunities for youth in this State to become highly skilled and productive members of the work force;

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Sec. 84. 20-A MRSA §12733, as enacted by PL 1993, c. 392, §2, is repealed and the following enacted in its place:

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§12733. Activities

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In order to assist the State in increasing higher education attainment and developing a skilled workforce, the program shall provide career and college transition services to young adults who are not currently enrolling in higher education and who could benefit by enrolling in a community college. These services may include scholarships, internships and other work-based learning experiences, career exploration and planning, assistance in completing the community college application and financial aid processes, academic planning and information related to continuing higher education beyond the certificate, diploma and associate degree levels consistent with the student's educational and career objectives. These services must be provided either directly by the program or through referrals to other programs and services available within the community college system or by other education and service providers. In order to participate

2 in any of these services, an individual must be enrolled in a
3 publicly supported secondary school or a state community college
4 or have recently completed a publicly supported secondary
5 education program. The program must provide those program
6 activities and services that best serve the goals of the program
7 as defined in this chapter, the needs of students and the State,
8 and that are consistent with Maine Community College System goals
9 and resources.

10 **Sec. 85. 20-A MRSA §12734**, as amended by PL 1995, c. 515, §3,
11 is repealed.

12 **Sec. 86. 20-A MRSA §12741, sub-§1 and 2**, as enacted by PL
13 2001, c. 439, Pt. HHHH, §1, are amended to read:

14 **1. President of the system.** "President of the system"
15 means the President of the Maine Technical Community College
16 System.

17 **2. System.** "System" means the Maine Technical Community
18 College System.

19 **Sec. 87. 22 MRSA §3762, sub-§2, ¶I**, as enacted by PL 1997, c.
20 530, Pt. A, §16, is amended to read:

21 I. The Maine Technical Community College System;

22 **Sec. 88. 22 MRSA §3789-B, first ¶**, as corrected by RR 1995, c.
23 2, §43 and amended by PL 1999, c. 401, Pt. J, §4 and PL 2001, c.
24 354, §3 and c. 439, Pt. G, §6, is further amended to read:

25 The Interdepartmental Welfare Reform Committee, referred to
26 in this section as the "committee," is established. The
27 committee consists of the Commissioner of Education, the
28 Commissioner of Labor, the President of the Maine Technical
29 Community College System, the Commissioner of Behavioral and
30 Developmental Services, the Director of the Office of Substance
31 Abuse, the Commissioner of Corrections or a designee from the
32 Long Creek Youth Development Center and the Commissioner of Human
33 Services, who serves as chair. The committee shall monitor the
34 efforts of the state departments involved in welfare reform and
35 ensure cooperation among those departments.

36 **Sec. 89. 22 MRSA §3789-D, sub-§3, ¶D**, as enacted by PL 1997,
37 c. 530, Pt. A, §30, is amended to read:

38 D. Representatives of the Maine Technical Community College
39 System, including a gender coordinator at one of the
40 campuses, appointed by the president; and
41

42

2 **Sec. 93. 26 MRSA §1022, sub-§3**, as amended by PL 1989, c. 443,
§62, is further amended to read:

4 **3. Board of Trustees.** "Board of Trustees" means the Board
of Trustees of the University of Maine System, the Board of
6 Trustees of the Maine Maritime Academy or the Board of Trustees
of the Maine ~~Teehniael~~ Community College System.

8 **Sec. 94. 26 MRSA §1022, sub-§11**, as amended by PL 1989, c.
10 443, §63, is further amended to read:

12 **11. University, academy or community college employee.**
"University, academy or ~~teehniael~~ community college employee"
14 means any regular employee of the University of Maine System, the
Maine Maritime Academy or the Maine ~~Teehniael~~ Community College
16 System performing services within a campus or unit, except any
person:

18 A. Appointed to office pursuant to law;

20 B. Appointed by the Board of Trustees as a vice-president,
22 dean, director or member of the chancellor's,
superintendent's or Maine ~~Teehniael~~ Community College System
24 executive director's immediate staff;

26 C. Whose duties necessarily imply a confidential
relationship with respect to matters subject to collective
28 bargaining as between such person and the university, the
academy or the Maine ~~Teehniael~~ Community College System; or

30 D. Employed in the initial 6 months of employment.

32 **Sec. 95. 26 MRSA §1023**, as amended by PL 1989, c. 443, §64,
34 is further amended to read:

36 **§1023. Right of university, academy or community college
employees to join labor organizations**

38 No one may directly or indirectly interfere with,
40 intimidate, restrain, coerce or discriminate against university,
academy or ~~teehniael~~ community college employees or a group of
42 university, academy or ~~teehniael~~ community college employees in
the free exercise of their rights, hereby given, voluntarily to
44 join, form and participate in the activities of organizations of
their own choosing for the purposes of representation and
46 collective bargaining, or in the free exercise of any other right
under this chapter.

48 **Sec. 96. 26 MRSA §1024-A, sub-§3**, as amended by PL 1989, c.
50 443, §65, is further amended to read:

2 **3. Maine Community College System.** It is the express
legislative intent to foster meaningful collective bargaining for
4 employees of the ~~technical--colleges~~ Maine Community College
System. Therefore, in accordance with this policy, the
6 bargaining units ~~shall-be~~ are structured with one unit in each of
the following occupational groups:

- 8
- 9 A. Faculty and instructors;
 - 10 B. Administrative staff;
 - 12 C. Supervisory;
 - 14 D. Support services;
 - 16 E. Institutional services; and
 - 18 F. Police.

20 **Sec. 97. 26 MRSA §1024-A, sub-§5,** as amended by PL 1989, c.
22 443, §66, is further amended to read:

24 **5. Additional bargaining units.** Notwithstanding subsection
1, 2 or 3, the Legislature recognizes that additional or modified
26 university system-wide units, academy units or ~~technical~~
community college units may be appropriate in the future. The
28 employer or employee organizations may petition the executive
director for the establishment of additional or modified
30 university system-wide units, academy units or ~~technical~~
community college units. The executive director or a designee
32 shall determine the appropriateness of those petitions, taking
into consideration the community of interest and the declared
34 legislative intent to avoid fragmentation whenever possible and
to insure employees the fullest freedom in exercising the rights
36 guaranteed by this chapter. The executive director or a designee
conducting unit determination proceedings may administer oaths
38 and require by subpoena the attendance and testimony of
witnesses, the production of books, records and other evidence
40 relative or pertinent to the issues represented to them.

42 **Sec. 98. 26 MRSA §1025,** as amended by PL 1991, c. 622, Pt. O,
§10, is further amended to read:

44 **§1025. Determination of bargaining agent**

46 **1. Voluntary recognition.** Any employee organization may
48 file a request with the university, academy or ~~technical~~
community colleges alleging that a majority of the university,
50 academy or ~~technical~~ community college employees in an

2 appropriate bargaining unit as established in section 1024
3 1024-A, wish to be represented for the purpose of collective
4 bargaining between the university, academy or ~~technical~~ community
5 colleges and the employees' organization. Such request shall must
6 describe the grouping of jobs or positions ~~which that~~ constitute
7 the unit claimed to be appropriate and shall must include a
8 demonstration of majority support. Such request for recognition
9 shall must be granted by the university, academy or ~~technical~~
10 community colleges unless the university, academy or ~~technical~~
11 community colleges desire that an election determine whether the
12 organization represents a majority of the members in the
13 bargaining unit. In the event that the request for recognition is
14 granted by the university, academy or ~~technical~~ community
15 colleges, the executive director shall certify the organization
16 so recognized as the bargaining agent.

17 2. Elections.

18 A. The executive director of the board, upon signed request
19 of the university, academy or ~~technical~~ community college
20 alleging that one or more university, academy or ~~technical~~
21 community college employees or employee organizations have
22 presented to it a claim to be recognized as the
23 representative of a bargaining unit of university, academy
24 or ~~technical~~ community college employees, or upon signed
25 petition of at least 30% of a bargaining unit of university,
26 academy or ~~technical~~ community college employees that they
27 desire to be represented by an organization, shall conduct a
28 secret ballot election to determine whether the organization
29 represents a majority of the members of the bargaining
30 unit. Such an election may be conducted at suitable work
31 locations or through the United States mail, and the
32 procedures adopted and employed must ensure that neither the
33 employee organizations or the management representatives
34 involved in the election have access to information that
35 would identify a voter.

36 B. The ballot shall must contain the name of such
37 organization and that of any other organization showing
38 written proof of at least 10% representation of the
39 university, academy or ~~technical~~ community college employees
40 within the unit, together with a choice for any university,
41 academy or ~~technical~~ community college employee to designate
42 that the employee does not desire to be represented by any
43 bargaining agent. Where more than one organization is on the
44 ballot, and no one of the 3 or more choices receives a
45 majority vote of the university, academy or ~~technical~~
46 community college employees voting, a run-off election shall
47 must be held. The run-off ballot shall must contain the 2
48 choices ~~which that~~ received the largest and 2nd largest
49
50

2 number of votes. When an organization receives the majority
of votes of those voting, the executive director shall
4 certify it as the bargaining agent. The bargaining agent
certified as representing a bargaining unit shall must be
6 recognized by the university, academy or ~~technical~~ community
colleges as the sole and exclusive bargaining agent for all
8 of the employees in the bargaining unit unless and until a
decertification election by secret ballot shall ~~be~~ is held
and the bargaining agent declared by the executive director
10 as not representing a majority of the unit.

12 C. Whenever 30% of the employees in a bargaining unit
petition for a bargaining agent to be decertified, the
14 procedures for conducting an election on the question shall
be are the same as for representation as bargaining agent
16 hereinbefore set forth.

18 D. No question concerning representation may be raised
within one year of a certification or attempted
20 certification. Where there is a valid collective bargaining
agreement in effect, no question concerning unit or
22 representation may be raised except during the period not
more than 90 nor less than 60 days prior to the expiration
24 date of the agreement.

26 E. The bargaining agent certified by the executive director
or a designee as the exclusive bargaining agent for a unit
28 is required to represent all the university, academy or
~~technical~~ community college employees within the unit
30 without regard to membership in the organization certified
as bargaining agent, except that any university, academy or
32 ~~technical~~ community college employee may present at any time
that employee's grievance to the employer and have that
34 grievance adjusted without the intervention of the
bargaining agent, if the adjustment is not inconsistent with
36 the terms of any collective bargaining agreement then in
effect and the bargaining agent's representative has been
38 given reasonable opportunity to be present at any meeting of
the parties called for the resolution of that grievance.

40 **Sec. 99. 26 MRSA §1026, sub-§1**, as amended by PL 1993, c. 84,
42 §1, is further amended to read:

44 **1. Negotiations.** It is the obligation of the university,
academy, ~~technical~~ community college or state schools for
46 practical nursing and the bargaining agent to bargain
collectively. "Collective bargaining" means, for the purpose of
48 this chapter, their mutual obligation:

50 A. To meet at reasonable times;

- 2 B. To meet within 10 days after receipt of written notice
4 from the other party requesting a meeting for collective
6 bargaining purposes if the parties have not otherwise agreed
8 in a prior written contract;
- 10 C. To confer and negotiate in good faith with respect to
12 wages, hours, working conditions and contract grievance
14 arbitration, except that by such obligation neither party is
16 compelled to agree to a proposal or required to make a
18 concession;
- 20 D. To execute in writing any agreements arrived at, the
22 term of any such agreement to be subject to negotiation, but
not to exceed 3 years; and
- 24 E. To participate in good faith in the mediation, fact
26 finding and arbitration procedures required by this section.

28 **Sec. 100. 26 MRSA §1026, sub-§1-A**, as repealed and replaced by
30 PL 2001, c. 559, Pt. JJ, §1, is amended to read:

32 **1-A. Additional bargaining; community college employees.**

34 Cost items in any collective bargaining agreement of ~~technical~~
36 community college employees must be submitted for inclusion in
the Governor's next operating budget within 10 days after the
date on which the agreement is ratified by the parties. If the
Legislature rejects any of the cost items submitted to it, all
cost items submitted must be returned to the parties for further
bargaining. "Cost items" includes salaries, pensions and
insurance.

38 Cost items related to a collective bargaining agreement reached
40 under this chapter and submitted to the Legislature for its
approval under this subsection may not be submitted in the same
legislation that contains cost items for employees exempted from
the definition of "~~technical~~ community college employee" under
section 1022, subsection 11, except that cost items for those
employees exempted under section 1022, subsection 11, paragraph D
need not be excluded.

42 **Sec. 101. 26 MRSA §1026, sub-§4, ¶C**, as amended by PL 1989, c.
44 443, §70, is further amended to read:

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

- 48 (1) The interests and welfare of the students and the
public and the financial ability of the university,

academy or ~~technical~~ community colleges to finance the cost items proposed by each party to the impasse;

(2) Comparison of the wages, hours and working conditions of the employees involved in the arbitration 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;

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

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

(5) The need of the university, academy or ~~technical~~ community colleges for qualified employees;

(6) Conditions of employment in similar occupations outside the university, academy or ~~technical~~ community colleges;

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

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

Sec. 102. 26 MRSA §1027, sub-§1, as amended by PL 1989, c. 443, §71, is further amended to read:

1. University, academy and community colleges; prohibitions. The university, its representatives and agents, the academy, its representatives and agents and the ~~technical~~ community colleges, their representatives and agents are prohibited from:

A. Interfering with, restraining or coercing employees in the exercise of the rights guaranteed in section 1023;

2 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;

4
6 C. Dominating or interfering with the formation, existence
or administration of any employee organization;

8 D. Discharging or otherwise discriminating against an
employee because the employee has signed or filed any
10 affidavit, petition or complaint or given any information or
testimony under this chapter;

12
14 E. Refusing to bargain collectively with the bargaining
agent of its employees as required by section 1026; or

16 F. Blacklisting of any employee organization or its members
for the purpose of denying them employment.

18
20 **Sec. 103. 26 MRSA §1027, sub-§2**, as amended by PL 1989, c.
443, §72, is further amended to read:

22 **2. University, academy, community colleges; prohibitions.**
University employees, university employee organizations, their
24 agents, members and bargaining agents; academy employees, academy
employee organizations, their agents, members and bargaining
26 agents; and ~~technical~~ community college employees, ~~technical~~
community college employee organizations, their agents, members
28 and bargaining agents are prohibited from:

30 A. Interfering with, restraining or coercing employees in
the exercise of the rights guaranteed in section 1023 or the
32 university, academy and ~~technical~~ community colleges in the
selection of their representatives for the purposes of
34 collective bargaining or the adjustment of grievances;

36 B. Refusing to bargain collectively with the university,
academy and ~~technical~~ community colleges as required by
38 section 1026; and

40 C. Engaging in:

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

44 (2) The blacklisting of the university, academy or
~~technical~~ community colleges for the purpose of
46 preventing them from filling employee vacancies.

48 **Sec. 104. 26 MRSA §1029, sub-§1**, as amended by PL 1989, c.
443, §73, is further amended to read:

50

2 **1. Board power to prevent prohibited acts.** The board is
empowered, as provided, to prevent any person, the university,
4 any university employee, any university employee organizations,
the academy, any academy employees, any academy employee
6 organizations, the ~~technical~~ community colleges, any ~~technical~~
community college employee, any ~~technical~~ community college
employee organizations; or any bargaining agent from engaging in
8 any of the prohibited acts enumerated in section 1027. This power
shall-~~not-be~~ is not affected by any other means of adjustment or
10 prevention that has been or may be established by agreement, law
or otherwise.

12 **Sec. 105. 26 MRSA §1029, sub-§2,** as amended by PL 1989, c.
14 443, §74, is further amended to read:

16 **2. Complaints.** The university, any university employee,
any university employee organization, the academy, any academy
18 employee, any academy employee organization, the ~~technical~~
community colleges, any ~~technical~~ community college employee, any
20 ~~technical~~ community college employee organization, or any
bargaining agent ~~which~~ that believes that any person, the
22 university, any university employee, any university employee
organization, the academy, any academy employee, any academy
24 employee organization, the ~~technical~~ community colleges, any
~~technical~~ community college employee, any ~~technical~~ community
26 college employee organization or any bargaining agent has engaged
in or is engaging in any such prohibited practice may file a
28 complaint with the executive director of the board stating the
charges in that regard. No such complaint shall may be filed with
30 the executive director until the complaining party shall-~~have~~ has
served a copy thereof upon the party named in the complaint. Upon
32 receipt of such complaint, the executive director or a designee
shall review the charge to determine whether the facts as alleged
34 may constitute a prohibited act. If it is determined that the
facts do not, as a matter of law, constitute a violation, the
36 charge shall must be dismissed by the executive director, subject
to review by the board. If a formal hearing is ~~deemed~~ considered
38 necessary by the executive director or by the board, the
executive director shall serve upon the parties to the complaint
40 a notice of the prehearing conference and of the hearing for the
prehearing conference or the hearing, as appropriate, provided
42 that no hearing shall--~~be~~ is held based upon any alleged
prohibited practice occurring more than 6 months prior to the
44 filing of the complaint with the executive director. The party
complained of shall-~~have~~ has the right to file a written answer
46 to the complaint and to appear in person or otherwise and give
testimony at the place and time fixed for the hearing. In the
48 discretion of the board, any other person or organization may be
allowed to intervene in that proceeding and to present testimony.
50 Nothing in this subsection may restrict the right of the board to

2 require the executive director or a designee to hold a prehearing
3 conference on any prohibited practice complaint prior to the
4 hearing before the board and taking whatever action, including
5 dismissal, attempting to resolve disagreements between the
6 parties or recommending an order to the board, as the executive
7 director or a designee may deem consider appropriate, subject to
8 review by the board.

9
10 **Sec. 106. 26 MRSA §1031**, as amended by PL 1989, c. 443, §76,
11 is further amended to read:

12 **§1031. Scope of binding contract arbitration**

13 A collective bargaining agreement between the university,
14 the academy or the ~~technical~~ community colleges and a bargaining
15 agent may provide for binding arbitration as the final step of a
16 grievance procedure but the only grievances ~~which that~~ are that may be
17 taken to such binding arbitration ~~shall-be~~ are disputes between
18 the parties as to the meaning or application of the specific
19 terms of collective bargaining agreement. An arbitrator with the
20 power to make binding decisions pursuant to any such provisions
21 ~~shall-have~~ has no authority to add to, subtract from or modify
22 the collective bargaining agreement.

23
24 **Sec. 107. 26 MRSA §1034, sub-§2**, as amended by PL 1989, c.
25 443, §77, is further amended to read:

26
27 **2. No restriction on eligibility for federal grant-in-aid
28 or assistance program.** Nothing in this chapter or any contract
29 negotiated pursuant to this chapter may in any way be interpreted
30 or allowed to restrict or impair the eligibility of the
31 university, any of its campuses or units, academy or ~~technical~~
32 community colleges in obtaining the benefits under any federal
33 grant-in-aid or assistance ~~programs~~ program.

34
35 **Sec. 108. 26 MRSA §1418-L**, as enacted by PL 1995, c. 560, Pt.
36 F, §13, is amended to read:

37
38 **§1418-L. Correctional, mental and certain educational
39 institutions**

40
41 This article does not apply to or authorize the installation
42 of vending facilities in a building wholly used by a correctional
43 or mental institution or by an educational institution of any
44 type supported in whole or in part from public funds, unless that
45 educational institution is a university, college, junior college
46 or a ~~technical~~ community college.

47
48 **Sec. 109. 26 MRSA §2006, sub-§5-A, ¶B**, as enacted by PL 1997,
49 c. 683, Pt. D, §9, is amended to read:

2 B. The committee is composed of 12 voting members appointed
by the Governor and made up as follows: 4 members must be
4 representatives of employees and be bona fide members of a
recognized major labor organization; 4 members must be
6 representatives of employers and be bona fide employers or
authorized representatives of bona fide employers; and 4
8 members must be representatives of the public, selected from
neither industrial employers nor employees, nor may they be
10 directly concerned with any particular industrial employer
or employee. At least 2 members who are representatives of
12 the public must represent the interests of women, minorities
and recipients of aid to families with dependent children
14 who are in registered apprenticeships. Each member holds
office until a successor is appointed and qualified, and any
16 vacancy must be filled by appointment for the unexpired
portion of the term. The chair of the committee must be a
18 member of the committee and is named by the members of the
committee. The Commissioner of Labor or a designee, the
20 Commissioner of Economic and Community Development or a
designee, the Commissioner of Education or a designee, the
22 chair of the council or a member designee and the President
of the Maine ~~Technical~~ Community College System or a
24 designee are nonvoting ex officio members of the committee.

26 **Sec. 110. 26 MRSA §2006, sub-§5-A, ¶I,** as enacted by PL 1997,
c. 683, Pt. D, §9, is amended to read:

28 I. The Maine ~~Technical~~ Community College System remains the
30 primary vendor for apprenticeship-related instruction
according to a biennial articulation agreement with the
32 Department of Labor.

34 (1) The committee shall cooperate with the Department
of Education, local school authorities, such as adult
36 education and applied technology centers, and other
groups in organizing and establishing related or
38 supplemental instruction for apprentices employed under
approved agreements.

40 (2) An educational institution or apprenticeship
42 sponsor may provide related and supplemental
instruction according to the policies established by
44 the committee. Educational providers shall identify a
contact person for the committee staff. As funds
46 permit, the Department of Labor shall underwrite 50% of
tuition costs for apprentices in good standing at
48 public educational institutions and provide tuition
assistance to sponsor groups in accordance with
50 committee policies. To ensure that adequate funds are

2 available for tuition, the committee shall provide the
Commissioner of Labor with its biennial plan, including
4 projected apprenticeship enrollments and a subsequent
budget request.

6 (3) The committee shall assist the Department of
Education, the ~~State's---technical---colleges~~ Maine
8 Community College System, local school authorities,
such as adult education and applied technology centers,
10 and other groups in developing training courses to
establish preapprenticeship training programs if the
12 ~~technical~~ community colleges, local schools and other
groups wish to do so. Successful completion of
14 preapprenticeship training programs enables a
participant to meet the qualifying standards of the
16 apprenticeship for which the participant has expressed
serious interest. All preapprenticeship training
18 programs are subject to approval by the committee.

20 **Sec. 111. 26 MRSA §2006, sub-§7, ¶C**, as enacted by PL 1997, c.
410, §12 and affected by §13, is amended to read:

22 C. The Governor shall appoint members to a technical
24 support group to assist the council in the performance of
its duties and responsibilities. The Governor shall appoint
26 persons to serve on the technical support group for 3-year
terms. The services provided by the State's various
28 workforce organizations must be fairly represented in the
technical support group with consideration given to a
30 balance between rural and urban interests. Organizations
with representation on the technical support group may
32 include, but are not limited to:

- 34 (1) The Job Training Partnership Act Service Delivery
Areas;
- 36 (2) Adult education;
- 38 (3) School-to-work;
- 40 (4) Providers that specialize in women's workforce
42 issues;
- 44 (5) Rehabilitation providers;
- 46 (6) Welfare-to-work;
- 48 (7) The University of Maine System;
- 50 (8) The Maine ~~Technical~~ Community College System;

2 (9) Applied technology education; and

4 (10) The Department of Economic and Community
6 Development, the Department of Education, the
8 Department of Human Services, the Department of Labor
and the State Planning Office.

10 **Sec. 112. 26 MRSA §2164, sub-§2**, as amended by PL 1993, c.
306, §5, is further amended to read:

12 **2. Skill training.** Skill training must be provided by
14 qualified training providers such as the State's ~~technical~~
community colleges to qualified participants who are either
16 entering the field or are employed health care workers who want
to upgrade their skills. Participants may be referred by the
state job training system.

18 **Sec. 113. 27 MRSA §455**, as amended by PL 1993, c. 435, §8, is
20 further amended to read:

22 **§455. Determination of amount for acquisition of art**

24 The commission, in consultation with the Bureau of General
26 Services, the Department of Education, the Office of Facilities
within the University of Maine System or the Maine ~~Technical~~
Community College System, whichever has budgetary authority over
28 the project, shall determine the minimum amount to be made
available for the purchase of art for each public building or
30 facility.

32 **Sec. 114. 27 MRSA §457, sub-§2**, as amended by PL 1993, c. 435,
§9, is further amended to read:

34 **2. Procedures for participation of architect.** Advise the
36 Bureau of General Services, the Department of Education, the
Office of Facilities within the University of Maine System and
38 the Maine ~~Technical~~ Community College System concerning
procedures for participation and compensation of the architect in
40 connection with the acquisition of works of art under this
chapter;

42 **Sec. 115. 29-A MRSA §517, sub-§1, ¶1**, as enacted by PL 1993, c.
44 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

46 I. Vehicles loaned to the University of Maine System and
48 the Maine ~~Technical~~ Community College System and used in
organized programs;

2 **Sec. 116. 30-A MRSA §4451, sub-§3**, as amended by PL 1997, c.
296, §7, is further amended to read:

4 **3. Training and certification of code enforcement**
5 **officers.** In cooperation with the Maine ~~Technical~~ Community
6 College System, the Department of Environmental Protection and
7 the Department of Human Services, the office shall establish a
8 continuing education program for individuals engaged in code
9 enforcement. This program must provide basic and advanced
10 training in the technical and legal aspects of code enforcement
11 necessary for certification.

12 **Sec. 117. 32 MRSA §1101, sub-§4-A**, as amended by PL 1999, c.
13 606, §1, is further amended to read:

14 **4-A. Supervision.** One apprentice electrician or one helper
15 electrician may work with and under the supervision of each
16 master electrician, limited electrician or journeyman
17 electrician. A master electrician who teaches an electrical
18 course at a Maine applied technology center, a Maine applied
19 technology region, a Maine ~~technical~~ community college or an
20 apprenticeship program registered by the Department of Labor may
21 have a maximum of 12 helper or apprentice electricians under
22 direct supervision while making electrical installations that are
23 a part of the instructional program of the school or
24 apprenticeship program, as long as the total value of each
25 installation does not exceed \$5,000. An electrical installation
26 may not be commenced pursuant to this subsection without the
27 prior approval of the director or president of the school or
28 apprenticeship program at which the master electrician is an
29 instructor. These installations are limited to those done in
30 buildings or facilities owned or controlled by:

31 A. School administrative units;

32 B. Nonprofit organizations; and

33 C. Households as defined in Title 36, sections 6206 and
34 6207.

35 The Electricians' Examining Board and the municipal electrical
36 inspector of the municipality in which the installation is to be
37 made, if the municipality has an inspector, must be notified of
38 all installation projects entered into pursuant to this
39 subsection prior to the commencement of the project. There must
40 be an inspection by a state electrical inspector or by the
41 municipal electrical inspector of the municipality in which the
42 installation has been made, if the municipality has an inspector,
43 before any wiring on the project is concealed.

2 **Sec. 118. 32 MRSA §1202, sub-§1, ¶A**, as amended by PL 1993, c.
349, §67, is further amended to read:

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

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

18 (2) Be a graduate of an accredited regional applied
19 technology high school 2-year electrical program, have
20 worked for 8,000 hours in the field of electrical
21 installations under the supervision of a master
22 electrician or the equivalent and have completed a
23 course of not less than 45 hours in the current
24 National Electrical Code, the course to be approved by
25 the board;

26 (3) Be a graduate of an accredited Maine ~~technical~~
27 community college electrical program or a
28 vocational-electrical program of the Department of
29 Corrections, have worked for 4,000 hours in the field
30 of electrical installations under the supervision of a
31 master electrician or the equivalent and have completed
32 a course of not less than 45 hours in the current
33 National Electrical Code, the course to be approved by
34 the board. Persons qualifying under this paragraph may
35 write the journeyman's examination upon graduation if
36 application is made within one year of graduation; or

37 (4) Be an electrical apprentice registered with the
38 State Apprenticeship and Training Council and have
39 completed 576 hours of related instruction, as defined
40 in this paragraph, prescribed in their apprenticeship
41 program, the 8,000-hour approved program and a course
42 of not less than 45 hours in the current National
43 Electrical Code, the course to be approved by the
44 board. Persons qualifying under this paragraph may
45 write the journeyman's examination after completion of
46 the 576 hours of instruction, if application is made
47 within one year of the completion of the instruction.

2 **Sec. 119. 32 MRSA §2401-B, sub-§1, ¶A**, as enacted by PL 1999,
c. 386, Pt. J, §14, is amended to read:

4
6 A. For a journeyman oil burner technician license, a person
8 must present satisfactory evidence to the board of at least
10 one year's licensed practical experience as an apprentice
12 oil burner technician, or 6 months of licensed practical
14 experience and completion of an oil burner technician course
16 at a Maine ~~teechnieal~~ community college, regional applied
18 technology center, applied technology region or comparable
institute from Maine or another state consisting, at a
minimum, of 160 hours of study of which at least 75 hours
are made up of laboratory work on oil burner equipment and
related systems. An out-of-state applicant must present
satisfactory evidence to the board of experience in
installing, cleaning, servicing, altering and repairing oil
burning equipment.

20 **Sec. 120. 32 MRSA §3501, sub-§2, ¶B**, as amended by PL 1999, c.
386, Pt. L, §6, is further amended to read:

22
24 B. A minimum of 2,000 hours of work in the field of
26 plumbing installations as a journeyman-in-training under the
28 supervision of a licensed master plumber, as long as the
30 work experience is obtained within 4 years of the date upon
32 which the applicant was issued a journeyman-in-training
34 license. A journeyman-in-training license must be issued
upon sworn application to any person who has satisfactorily
completed one academic year of instruction in plumbing at a
board-approved ~~teechnieal~~ community college and who has
obtained a passing grade, as determined by the board on the
journeyman's examination.

36 **Sec. 121. 32 MRSA §3501, sub-§2-B**, as enacted by PL 1999, c.
386, Pt. L, §6, is amended to read:

38 **2-B. Journeyman-in-training.** The board may issue a
40 journeyman-in-training license to a person who provides
42 satisfactory evidence of completion of a plumbing course
44 consisting of one year or 2 semesters at a board-approved
~~teechnieal~~ community college. A journeyman-in-training license is
valid for a single nonrenewable period of 4 years and may be
issued only once to any individual.

46 **Sec. 122. 32 MRSA §8105, sub-§7-A, ¶D**, as amended by PL 1989,
c. 443, §90, is further amended to read:

48
50 D. Possesses a minimum of 6 years of preparation consisting
of a combination of:

2 (1) Work experience, including at least 2 years in a
4 nonclerical occupation related to law or the criminal
justice system; and

6 (2) Educational experience, including at least:

8 (a) Sixty academic credits of post-secondary
10 education acquired at an accredited junior
college, college or university; or

12 (b) An associate degree in law enforcement, based
14 on 2 years of post-secondary instruction,
conferred by an established ~~technical~~ community
16 college; and

18 **Sec. 123. 35-A MRSA §3210, sub-§5, ¶C**, as amended by PL 1999,
c. 372, §1, is further amended to read:

20 C. Provide for a distribution of the funds to the University
of Maine System, the Maine Maritime Academy or the Maine
22 ~~Technical~~ Community College System for renewable resource
research and development; and

24 **Sec. 124. 36 MRSA §5276-A, sub-§1**, as repealed and replaced by
26 PL 1997, c. 393, Pt. A, §43 and affected by §44, is amended to
read:

28 **1. Generally.** An agency of the State, including the
30 University of Maine System or the Maine ~~Technical~~ Community
College System, that is authorized to collect from an individual
32 or corporation a liquidated debt greater than \$25 shall notify in
writing the State Tax Assessor and supply information necessary
34 to identify the debtor whose refund is sought to be set off. The
assessor, upon notification, shall assist the requesting agency
36 by setting off that debt against a refund to which that
individual or corporation is entitled under this Part.
38 Liquidated child support debts that the Department of Human
Services has contracted to collect, pursuant to Title 19-A,
40 section 2103 or 2301, subsection 2, are eligible, under the
provisions of this section, for setoff against a refund due the
42 obligated individual. The assessor shall provide the creditor
agency with the name, address and social security number of each
44 debtor whose refund is subject to setoff.

46 **Sec. 125. 39-A MRSA §401, sub-§5, ¶C**, as enacted by PL 1991,
c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

2 C. The employer shall submit a workplace health and safety
3 plan to the Department of Labor for review and comment,
4 complete the elements of the plan and notify the Department
5 of Labor of its completion. The plan may include attendance
6 at a ~~technical~~ community college in the State or the
7 Department of Labor workplace health and safety training
8 programs.

9 **Sec. 126. Transition provisions.** The following provisions apply
10 to the Maine Community College System on the effective date of
11 this Act. The Maine Community College System, including all of
12 its component entities, is the successor in every way to the
13 powers, duties and function of the Maine Technical College
14 System, including all of its component entities. These powers,
15 duties and functions include, but are not limited to, the
16 following:

17 1. The members of the Board of Trustees of the Maine
18 Technical College System shall serve as members of the Board of
19 Trustees of the Maine Community College System until their
20 appointed terms expire.

21 2. All accrued expenditures, assets, liabilities, balances,
22 allocations, transfers, revenues and all other available funds of
23 the Maine Technical College System are authorized for use by the
24 Maine Community College System.

25 3. All existing rules, regulations and procedures in
26 effect, in operation or adopted in or by the Maine Technical
27 College System or officers continue in effect until rescinded,
28 revised or amended by the pertinent authority within the Maine
29 Community College System.

30 4. All existing contracts, agreements, bonds, insurances,
31 leases and compacts currently in effect in the Maine Technical
32 College System continue in effect until rescinded, revised or
33 amended by the pertinent authority within the Maine Community
34 College System.

35 5. The Maine Community College System shall serve as the
36 successor employer to, and shall assume the obligations of, the
37 Maine Technical College System.

38 6. All buildings, automobiles, real property, equipment and
39 other property previously belonging to or allocated for the use
40 of the Maine Technical College System become the property of the
41 Maine Community College System.

2 7. The Maine Community College System succeeds the Maine
3 Technical College System as a recipient of federal vocational
4 funding.

6 8. All existing forms, licenses, letterheads, signs and
7 similar items bearing the name of or referring to the "Maine
8 Technical College System" may be utilized by the Maine Community
9 College System until existing supplies of those items are
10 exhausted.

12 **Sec. 127. Appropriations and allocations.** The following
13 appropriations and allocations are made.

14 **MAINE TECHNICAL COLLEGE SYSTEM**

16 **Maine Technical College System,
17 Board of Trustees of the**

18 Initiative: Provides funds to launch the Maine Community College
19 System as a transformation from the Maine Technical College
20 System.

22 General Fund	2003-04	2004-05
24 All Other	\$500,000	\$500,000
26 General Fund Total	<u>\$500,000</u>	<u>\$500,000</u>

28 **SUMMARY**

30 This bill amends the Maine Revised Statutes to reflect the
31 transformation of the Maine Technical College System into the
32 Maine Community College System. The bill changes statutory
33 references from "technical" college or system to "community." It
34 also amends the laws governing the Maine Career Advantage program
35 to align its services with the Maine Community College System.
36