

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

AT THE

SECOND REGULAR SESSION

January 2, 1980 to April 3, 1980

AND AT THE

THIRD SPECIAL SESSION

May 22, 1980

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
SECOND REGULAR SESSION
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ONE HUNDRED AND NINTH LEGISLATURE
January 2, 1980 to April 3, 1980

A. The necessity for immediate or temporary relief due to natural disaster, fire, unforeseen safety consideration or other circumstances;

B. The serious adverse effect of delay on the applicant and the community that would be occasioned by compliance with the regular requirements of this chapter and the rules and regulations promulgated by the department; and

C. The lack of substantial change in the facility or services which existed before the emergency situation.

Effective July 3, 1980

CHAPTER 602

H. P. 1788 — L. D. 1907

AN ACT Relating to the Vocational-Technical Institutes.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this Act makes significant changes in the laws relating to the vocational-technical institutes; and

Whereas, these changes should be carried out prior to the end of the current fiscal year in preparation for the beginning of the 1980-81 school year in order to ensure a smooth transition; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA § 1507, first ¶, 2nd sentence, as repealed and replaced by PL 1975, c. 771, § 67, is amended to read:

The Governor may allocate from such account amounts not to exceed in total the sum of \$300,000 in any fiscal year in accordance with the purposes specified in subsections 1, 2, 3 and 4 and 4-A.

Sec. 2. 5 MRSA § 1507, sub-§ 4-A is enacted to read:

4-A. Vocational-technical institutes. The Governor may allocate funds from such account in amounts not to exceed in total the sum of \$100,000 in any fiscal year to provide funds for any unusual and unforeseen needs as may arise in the operation of the vocational-technical institutes. Allocations may be made from this fund by the Governor only upon the written request of the State Board of Education and after consultation with the State Budget Officer.

Sec. 3. 20 MRSA c. 303-A is enacted to read:

CHAPTER 303-A

VOCATIONAL-TECHNICAL INSTITUTES

§ 2261. Purpose

The purpose of this chapter is to create vocational-technical institutes in Maine which will be able to respond to the needs of the people of the State for vocational, technical and occupational training and to provide for responsive administration of the vocational-technical institutes.

§ 2261-A. Intent

It is the intent of the Legislature that the vocational-technical institutes shall:

1. Vocational, technical and occupational education. Provide vocational, technical and occupational education for those who demonstrate aptitude and need and who require training designed for service in a trade, industry or commerce;
2. Job skills. Provide each graduate with job skills;
3. General education. Provide the general education necessary to complement the requirements of specific vocational and technical skills;
4. Supplementary programs. Provide supplementary educational programs to upgrade those persons already employed or retrain persons for new employment opportunities; and
5. Special programs. Provide special programs for disadvantaged and handicapped persons to permit them to take maximum advantage of their aptitudes and interests.

§ 2262. Definitions

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

1. Commissioner. "Commissioner" means the Commissioner of Educational and Cultural Services.

2. **Department.** "Department" means the Department of Educational and Cultural Services.

3. **Institute.** "Institute" means a vocational-technical institute as established in section 2263.

§ 2263. **Establishment of institutes; general duties and authority of State Board of Education.**

1. **Establishment.** The following vocational-technical institutes are established:

- A. Central Maine Vocational-Technical Institute in the City of Auburn;
- B. Eastern Maine Vocational-Technical Institute in the City of Bangor;
- C. Kennebec Valley Vocational-Technical Institute in the City of Waterville;
- D. Northern Maine Vocational-Technical Institute in the City of Presque Isle;
- E. Southern Maine Vocational-Technical Institute in the City of South Portland; and
- F. Washington County Vocational-Technical Institute in the City of Calais.

2. **General duties and authority.** The State Board of Education shall maintain and operate these institutes, shall have policy-making and planning authority for the institutes and shall have the authority to:

- A. Offer courses of study;
- B. Grant diplomas and certificates on completion of a course of study;
- C. Confer associate degrees based upon 2 years of instruction with equipment and facilities which will safeguard the integrity of the degrees conferred;
- D. Charge tuition and other reasonable fees;
- E. Establish qualifications for admission; and
- F. Accept and expend all funds for post-secondary vocational education received by the department from the General Fund, from gifts and donations either from public or private sources which are offered unconditionally, or from fees.

§ 2264. **Appointment of directors; salary range for directors; establishment of job titles and salary range; authority to change job title and salary range**

1. **Appointment of directors.** The commissioner, with the approval of the State Board of Education, shall appoint the directors of the institutes.

2. **Salary range.** The commissioner, with the approval of the State Board of Education, shall establish the salary range for directors and assistant directors.

3. **Job title and salary range for new positions.** The State Board of Education, consistent with Title 26, chapter 12, shall make recommendations to the Department of Personnel and the Bureau of the Budget concerning the appropriate job title and salary range for each newly-created position in the unclassified service, based on the level of job responsibilities at any vocational-technical institute.

4. **Change of job title and salary range.** The State Board of Education, consistent with Title 26, chapter 12, shall make recommendations to the Department of Personnel and the Bureau of the Budget to change the job title or salary range, or both, of any existing position in the unclassified service at a vocational-technical institute if an identifiable change in job responsibilities occurs.

§ 2265. **Recommendation for funding levels; long range capital construction plan; maintenance repair and capital construction budgets**

1. **Funding level.** The State Board of Education shall certify and present to the Governor, prior to September 1st of even-numbered years, the funding levels which it recommends for the operation of the institutes. It shall report those recommendations to the Legislature prior to November 15th of even-numbered years.

2. **Long-range capital construction plan.** Along with the requested funding levels, the State Board of Education shall submit a long-range capital construction plan in priority order. This plan shall be submitted to the Legislature with the report required in subsection 1.

3. **Costs of maintenance, repairs and capital construction.** Notwithstanding any other provision of law, the costs of maintenance, repairs and capital construction at the institutes shall be included in the funding level requests presented to the board. In the preparation, development and submission of funding requests for maintenance, repairs and capital construction, the board is authorized and directed to work with the Bureau of Public Improvements. It is the intent of the Legislature that moneys appropriated for maintenance, repairs and capital construction at the vocational-technical institutes are allocated and expended for the same purposes as authorized.

§ 2266. **Contingent account**

There is established under Title 5, section 1507, a contingent account for vocational-technical institutes and the procedures for allocation of contingent account funds.

§ 2267. Operation of courses on grades 13 and 14 levels; administration; tuition charges to students enrolled

1. Courses offered. Vocational courses on grades 13 and 14 levels may be operated in regional vocational centers or vocational regions when approved by the State Board of Education.

2. Administration. Any courses on grades 13 and 14 levels operated in regional vocational centers or vocational regions which are not part of an adult education program shall be administered as satellite programs of an institute designated by the State Board of Education.

3. Tuition. Tuition charges for any course on grades 13 and 14 levels operated in regional vocational centers or vocational regions shall be charged directly to the students enrolled, at rates approved by the State Board of Education.

§ 2268. State scholarships at the vocational-technical institutes

1. Scholarships. The State Board of Education shall develop and administer a program of scholarships for selected students, enrolled at an institute, who fulfill the following qualifications:

A. Evidence of the possession of the qualifications necessary to successfully complete the course of study and to become a competent craftsman in a trade or industrial pursuit;

B. A demonstrated ability and willingness to support the expenses of his training; and

C. A demonstrated need of partial financial assistance to pay the cost of attendance at the institute.

2. Limitation. No scholarship may exceed \$250 in any one year.

3. Allocation of scholarships. Amounts available for these scholarships shall be distributed annually by the board to the institutes in the following way:

A. \$1,500 or the equivalent of 6 full scholarships to each institute; and

B. Allocation of the balance of the scholarship fund to each institute in the same proportion as the institute's enrollment is of all of the institutes for the fall semester of the current year.

4. Awards. Awards shall be based on evidence of individual need and worth.

§ 2269. Journeymen's examinations

1. Eligibility. Any person who has completed satisfactorily a course of instruction, at a Maine vocational-technical institute, in the practice of electrical

installations, oil burner installation or plumbing is entitled to take a journeyman's examination conducted by the appropriate one of the following boards:

- A. Electricians' Examining Board;
- B. Oil and Solid Fuel Burner Technicians' Licensing Board; or
- C. Plumbers' Examining Board.

2. Application for oil burner technician's license. Any application for a journeyman oil burner technician's license shall be accompanied by a certificate of course completion of an approved course of at least 1,000 hours of instruction related to the respective field at a Maine vocational-technical institute, a post-secondary satellite program at a vocational region or regional vocational center or an equivalent training approved by the Oil and Solid Fuel Technicians' Licensing Board.

§ 2270. Policemen at vocational-technical institutes

1. Appointment. Subject to the Personnel Law, the directors of the institutes may appoint persons to act as policemen who shall, within the limits of the property owned by or under the control of the institutes, possess all of the powers of policemen in criminal cases.

2. Guidelines. The State Board of Education is authorized to establish guidelines by which each institute director may make rules and regulations for the control, movement and parking of vehicles within the limits of the property owned by or under the control of the institute.

3. Rules and regulations. Any rules and regulations shall be adopted in accordance with section 21 and shall have the same force and effect as municipal ordinances. District Courts are authorized to impose fines, not to exceed \$10, for each violation.

4. Evidence and waiver. The State Board of Education may adopt the provisions of Title 30, section 2151, subsection 3, paragraph A, relating to prima facie evidence and the establishment of a waiver of court action by payment of specified fees.

Sec. 4. 20 MRSA §§ 2355, 2356, 2356-E, 2357, 2361 and 2362, as amended, are repealed.

Sec. 5. 26 MRSA § 1022, sub-§ 1-C, last sentence, as enacted by PL 1977, c. 581, § 2, is amended to read:

The State Board of Education ~~shall~~ may utilize the Office of State Employee Relations for the purposes of this chapter.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective February 22, 1980

CHAPTER 603

H. P. 1686 — L. D. 1794

AN ACT Relating to State Liability for Damages Suffered on Certain State and State Aid Highways.

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

23 MRSA § 1451, first sentence is amended to read:

The State shall be liable to towns and counties for any judgment recovered in any action against such town or county and for reasonable attorney fees, costs and expense incurred in defending such action under sections 3655 to 3658 and 3701, but only when pertaining to those state and state aid highways to the improvement of which the State has contributed **and which do not lie within a compact area as defined by section 2**; or to which sections 802 or 1001 may apply.

Effective July 3, 1980

CHAPTER 604

H. P. 1675 — L. D. 1782

AN ACT Relating to the Maximum Seating Capacity of School Buses Transporting a Combination of Students Attending Grades Kindergarten through 12.

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

29 MRSA § 2014, sub-§ 1, ¶ B, as enacted by PL 1977, c. 532, § 2, is amended to read:

B. The maximum seating capacity for students attending grades 9 through 12 ~~or any combination of students attending grades kindergarten through 12~~ shall be 85% of the manufacturer's specified seating capacity. **The maximum seating**