

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND TWELFTH LEGISLATURE**

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

**AND AT THE**  
**THIRD SPECIAL SESSION**  
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND TWELFTH LEGISLATURE  
1985

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1986-87SECRETARY OF STATE,  
DEPARTMENT OF

Administration - Motor Vehicles	
Positions	(2.0)
Personal Services	\$47,957
All Other	16,276
Capital Expenditures	25,050
Total	\$89,283
Provides funds	
for 2 Driver Li-	
cense Examiner	
II positions to	
be hired at Step	
A of Range 19.	
Also provides	
funds for relat-	
ed material and	
equipment, in-	
cluding 2 motor-	
cycles for in-	
struction pur-	
poses. Funds not	
used for these	
purposes shall	
lapse back to	
the Highway	
Fund.	

Effective July 16, 1986.

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**CHAPTER 695****S.P. 860 - L.D. 2174****AN ACT to Establish the Maine  
Vocational-Technical Institute System.**

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

Whereas, it is essential that the new board of trustees of the Maine Vocational-Technical Institute System immediately assume its responsibilities under this Act and undertake the organization of the new vocational-technical institute system, including the Vocational-Technical Institute Support Office; 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. 1 MRSA §402, sub-§2, ¶B, as amended by PL 1977, c. 164, §1, is further amended to read:

B. Any board or commission of any state agency or authority, the Board of Trustees of the University of Maine and any of its committees and subcommittees, the administrative council of the University of Maine, the Board of Trustees of the Maine Maritime Academy and any of its committees and subcommittees, the Board of Trustees of the Maine Vocational-Technical Institute System and any of its committees and subcommittees; and

Sec. 2. 1 MRSA §402, sub-§3, ¶E, as amended by PL 1977, c. 164, §2, is further 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 Vocational-Technical Institute System and the University of Maine. The provisions of this paragraph do not apply to the boards of trustees, the committees and subcommittees of those boards, and the administrative council of the University of Maine, which are referred to in section 402, subsection 2, paragraph B.

Sec. 3. 3 MRSA §507, sub-§10, ¶B, as repealed and replaced by PL 1983, c. 819, Pt. A, §4, is amended to read:

B. Unless continued or modified by law, the following Group E-2 independent agencies shall terminate, not including the grace period, no later than June 30, 1989. The Board of Emergency Municipal Finance, the Finance Authority of Maine and the Maine Municipal Bond Bank shall not terminate, but shall be reviewed by the Legislature no later than June 30, 1989:

- (1) Board of Emergency Municipal Finance;
- (2) Finance Authority of Maine;

- (3) Maine Municipal Bond Bank;
- (4) Municipal Valuation Appeals Board;
- (5) Land Classification Appeals Board;
- (6) State Liquor Commission;
- (7) Capitol Planning Commission;
- (8) State Board of Assessment Review; and
- (9) Maine Health Care Finance Commission; and
- (10) Maine Vocational-Technical Institute System.

Sec. 4. 5 MRSA §285, sub-§1, ¶F, as enacted by PL 1983, c. 692, §1, is amended to read:

F. Any employee of the Maine Turnpike Authority; and

Sec. 5. 5 MRSA §285, sub-§1, ¶F-1 is enacted to read:

F-1. Any employee of the Maine Vocational-Technical Institute System; and

Sec. 6. 5 MRSA §285, sub-§1, ¶G, as repealed and replaced by PL 1983, c. 692, §1, is amended to read:

G. Subject to subsection 1-A, employees in any of the categories denominated in paragraphs A to F F-1 who:

- (1) On April 26, 1968, have retired and who were covered under plans of insurance which by virtue of Public Law 1967, chapter 543 were terminated; or
- (2) After April 26, 1968, retire and who on the date of their retirement are currently enrolled in this group accident and sickness or health insurance plan.

Sec. 7. 5 MRSA §285, sub-§1, ¶G, as amended by PL 1985, c. 391, §§1 and 7, is further amended to read:

G. Subject to subsection 1-A, employees in any of the categories denominated in paragraphs A to F F-1 who:

(1) On April 26, 1968, have retired and who were covered under plans of insurance which by virtue of Public Law 1967, chapter 543 were terminated;

(2) After April 26, 1968, retire and who on the date of their retirement are currently enrolled in this group accident and sickness or health insurance plan; or

(3) After December 2, 1986, and after reaching normal retirement age, cease to be members of the Legislature and are recipients of retirement allowances from the Maine State Retirement System based upon creditable service as teachers, as defined by section 1001, subsection 25. This paragraph shall also apply to former members who were members on December 2, 1986.

Sec. 8. 5 MRSA §12004, sub-§8, ¶A, sub-¶(4-A) is repealed and the following enacted in its place:

(4-A) Education	Board of Trustees of the Maine Vocational-Technical Institute System	Expenses only	20-A MRSA, §12705
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Sec. 9. 14 MRSA §8102, sub-§4, as enacted by PL 1977, c. 2, §2, is amended to read:

4. State. "State" means the State of Maine or any office, department, agency, authority, commission, board, institution, hospital or other instrumentality thereof, including the Maine Turnpike Authority, the Maine Port Authority, the Maine Vocational-Technical Institute System and all such other state entities.

Sec. 10. 20-A MRSA c. 429, as enacted by PL 1985, c. 497, §5, is repealed.

Sec. 11. 20-A MRSA c. 431 is enacted to read:

#### CHAPTER 431

#### MAINE VOCATIONAL-TECHNICAL INSTITUTE SYSTEM

#### §12701. Definitions

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

1. Administrative council. "Administrative council" means the administrative council of the system as established in section 12713.

2. Board of trustees. "Board of trustees" means the board of trustees of the system.

3. Director. "Director" means the director of a vocational-technical institute.

4. Executive director. "Executive director" means the executive director of the system.

5. Institute. "Institute" means a vocational-technical institute as established in section 12714.

6. System. "System" means the Maine Vocational-Technical Institute System.

7. Vocational-Technical Institute Support Office. "Vocational-Technical Institute Support Office" means the office of the executive director, together with the offices of supporting staff, as established in section 12710.

#### §12702. System established

There is established the Maine Vocational-Technical Institute System which shall be a body corporate and politic and a public instrumentality of the State and the exercise of the powers conferred by this chapter shall be deemed and held to be the performance of essential governmental functions. The system shall consist of the board of trustees, the Vocational-Technical Institute Support Office and the vocational-technical institutes.

#### §12703. Mission and goals

The basic mission of the Maine Vocational-Technical Institute System is to provide associate degree, diploma and certificate programs directed at the educational, occupational and technical needs of the State's citizens and the work-force needs of the State's employers.

The primary goals of post-secondary vocational-technical education and the Maine Vocational-Technical Institute System are to create an educated, skilled and adaptable labor force which is responsive to the changing needs of the economy of the State and to promote local, regional and statewide economic development.



§12704. Tasks

The tasks of the system shall include, but not be limited to:

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

2. Statewide and regional planning and coordination. Coordinating, on a statewide and regional basis, the planning and operation of the post-secondary vocational and technical education programs offered by the institutes with the planning and operation of:

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

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

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

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

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

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

4. General and related education. Offering each institute student a general education designed to complement specific vocational and technical skills and offering courses and curricula designed to teach students to think clearly, logically and analytically

and to comprehend the multiple dimensions and facets of public and private issues and problems;

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

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

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

§12705. Board of trustees

The board of trustees shall be the policy-making authority of the system.

1. Membership. The board of trustees shall consist of 9 appointed voting members and 2 ex officio, nonvoting members as follows:

A. One from the State Board of Education;

B. One from the Board of Trustees of the University of Maine;

C. Seven from the field of business and industry, the field of labor, the field of education and the general public;

D. The Commissioner of Educational and Cultural Services, or his successor, who shall serve ex officio; and

E. The Director of the State Development Office, or his successor, who shall serve ex officio.

2. Appointment; terms. Members of the board of trustees shall be appointed by the Governor to 4-year terms of office, subject to review by the joint standing committee of the Legislature having juris-

diction over education and to confirmation by the Legislature. No classified or unclassified employee of the State or person who holds elected state office may serve on the board of trustees, with the exception of the ex officio members.

3. Vacancies. Vacancies on the board of trustees shall be filled for the unexpired term only. A member shall serve until a successor has been appointed and qualified.

4. Compensation. Members shall be compensated for their expenses according to Title 5, chapter 379.

5. Chairman. From among the appointed members, the board of trustees shall elect a chairman and a vice-chairman. The terms for the chairman and vice-chairman shall be established in the bylaws adopted by the board of trustees.

6. Meetings. The board of trustees shall meet at least 10 times each year and at the call of the chairman or at the request of a majority of the members.

7. Quorum. A quorum shall consist of a majority of the members of the board of trustees. No action may be taken without the affirmative vote of 5 appointed members present and voting.

8. Secretary. The executive director shall serve as the secretary of the board of trustees.

§12706. Powers and duties of the board of trustees

The powers and duties of the board of trustees shall include the following:

1. Policies. To develop and adopt policies for the operation of the system, the Vocational-Technical Institute Support Office and the institutes; establish the administrative council; and approve programs and policies recommended by the executive director and the administrative council;

2. Administration. To oversee the administration of the system;

3. Bylaws and seal. To develop and adopt bylaws for the regulation of its affairs and the conduct of its business and develop and adopt an official seal and alter it as necessary or convenient;

4. Budget development. To prepare and adopt a biennial, line-category, operating budget for presen-

tation to the Governor and the Legislature, incorporating all projected expenditures and all resources expected or proposed to be made available to fund the operations of the system. The budget is to be used in support of any requests to the Legislature for General Fund appropriations that the board of trustees may deem appropriate and necessary to supplement other resources available to the system and shall also serve as the foundation for an annual fiscal management plan for the system;

5. Fiscal management. To receive, expend, allocate and transfer funds within the system, as necessary to fulfill the purposes of this chapter, in accordance with the biennial, line-category, operating budget. Cumulative transfers between line categories in excess of 10% of either the sending or the receiving category of the system operating budget shall be reported to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and to the joint standing committee of the Legislature having jurisdiction over education prior to becoming effective;

6. Loans and grants. To receive and accept, from any source, loans, aid or contributions of money, property, labor or other things of value to be held, used or applied to carry out the purposes of this chapter, subject to the conditions upon which the loans, grants and contributions may be made, including, but not limited to, loans, grants or gifts from any federal agency or governmental subdivision or the State and its agencies;

7. Fees and charges. To establish and collect fees, tuition and other charges, as deemed necessary by the board of trustees for the efficient administration of this chapter, to be credited to a separate fund and used for the purposes of this chapter;

8. Investments. Except as otherwise provided in this chapter, to invest any funds not needed for immediate use, including any funds held in reserve, in property and securities in which fiduciaries in the State may legally invest funds;

9. Contracts and agreements. To enter into any contracts, leases and agreements and any other instruments and arrangements that are necessary, incidental or convenient to the performance of its duties and the execution of its powers under this chapter;

10. Legal affairs. To sue and be sued in its own name. Services of process in any action shall be made

by service upon the executive director, either in hand or by leaving a copy of the process at the Vocational-Technical Institute Support Office;

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

12. Purchasing. To acquire consumable supplies, materials and incidental services, through cash purchase, sole-source purchase orders, bids or contract, as necessary or convenient to fulfill the purposes of this chapter;

13. Property management. To acquire by purchase, gift, lease or rent any property, lands, buildings, structures, facilities or equipment necessary to fulfill the purposes of this chapter. The board of trustees shall manage, rent, lease, sell and dispose of property, including lands, buildings, structures, equipment and facilities. Any revenues derived from these uses shall be credited to a separate fund to be used for the purposes of this chapter;

14. Facilities management; construction and renovation. To authorize the construction, maintenance, renovation, reconstruction or other necessary improvements of buildings, structures and facilities;

15. Courses of study and degrees. To offer courses of study, grant diplomas and certificates on completion of courses of study, confer associate degrees based on 2 years of instruction and establish qualifications for admission; to offer short-term and on-site training, to meet the needs of the private and public sectors and economic development and employment training programs; and to offer adult education and continuing educational opportunities to meet the needs of nontraditional students and of adults who need training or retraining in response to changes in technology or the needs of the economy;

16. Employment training coordination. In cooperation with the Maine Job Training Council and the Bureau of Employment and Training Programs, or their

successors, to serve as an administrative agency for state education coordination and grant funds authorized under the United States Job Training Partnership Act, Section 123, Public Law 95-524, or its successor;

17. Apprenticeship education. In cooperation with the State Apprenticeship and Training Council, or its successor, to take responsibility for related and supplemental instruction at the post-secondary and adult level for apprentices employed under apprenticeship programs registered and approved by the State Apprenticeship and Training Council, for coordination of instruction with work experiences and for the selection of teachers and coordinators for such related and supplemental instruction;

18. Delegation; other powers. To delegate duties and responsibilities as necessary for the efficient operation of this chapter and to do any other acts or things necessary or convenient to carry out the powers expressly granted or reasonably implied in this chapter; and

19. Advisory committees. To appoint or identify advisory committees to advise the board of trustees with respect to vocational and technical education and training policies and programs, to procedures for modifying the programs of the institutes to meet the needs of the State's economy and the changing job market and to the efficient operation of the institutes and the Vocational-Technical Institute Support Office. These committees may include, but need not be limited to, the Maine Council on Vocational Education, authorized under the United States Carl D. Perkins Vocational Education Act, Section 112, Public Law 98-524, or its successor.

#### §12707. Occupational information

The Maine Occupational Information Coordinating Committee, authorized under the United States Education Amendments of 1976, Section 161(b), Public Law 94-482 and established by Title 26, section 1452, as amended, shall serve as the standard, principal source of occupational information for vocational and technical program planning and as the primary source of career information for the career guidance and placement counseling of institute applicants, students and graduates.

#### §12708. Executive director

The board of trustees shall appoint the executive director who must be qualified by education and expe-

rience and shall serve at the pleasure of the board of trustees.

§12709. Powers and duties of the executive director

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

1. Leadership. To develop policies, procedures, goals and objectives with respect to the operation of the institutes, to be approved by the board of trustees. The executive director shall meet regularly with the administrative council to develop these policies and goals;

2. Vocational-Technical Institute Support Office staff appointment. Under procedures and standards developed by the board of trustees, to appoint the staff of the Vocational-Technical Institute Support Office, including professional and nonprofessional personnel and including, but not limited to, private legal counsel and financial experts;

3. Nomination of directors. To nominate the directors for appointment by the board of trustees;

4. Staff oversight. To oversee the staff of the Vocational-Technical Institute Support Office and the directors of the institutes;

5. Personnel evaluation. Under policies and standards developed by the board of trustees, to evaluate the performance of the Vocational-Technical Institute Support Office staff and of the directors of the institutes and to make personnel recommendations to the board of trustees;

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

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

8. Accounting system and procedures. To provide for an accounting system and procedures which will reflect and identify all appropriations, allocations, income and revenues and all expenditures of each institute and the Vocational-Technical Institute Support Office;

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

10. Intercampus cooperation and coordination. To promote cooperation among the vocational-technical institutes and prepare plans for approval by the board of trustees with respect to the coordination of programs, activities and personnel;

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

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

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

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

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

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

§12710. Vocational-Technical Institute Support Office



The Vocational-Technical Institute Support Office shall implement the policies of the board of trustees and shall provide staff and technical assistance to each institute and state-level coordination and leadership to the system.

§12711. Directors of the institutes

The executive director shall nominate the directors for appointment by the board of trustees. The directors must be qualified by education and experience and shall serve at the pleasure of the board of trustees.

§12712. Powers and duties of the directors of the institutes

The directors shall implement the policies of the board of trustees and be responsible for the day-to-day operation of the institutes. The powers and duties of the directors shall include the following.

1. Administration of the institutes. The directors shall be responsible for the administration of the institutes. The directors shall cooperate to provide vocational and technical education and training that best meets the needs of students, the private sector and the changing economy of the State. The directors shall administer the institutes in a manner consistent with the mission and goals set forth in section 12703.

2. Institute staff appointment. Under procedures and standards developed by the board of trustees, the directors shall appoint the faculty and staff of the institutes, including professional and nonprofessional personnel.

3. Nomination of assistant directors. The director of each institute shall nominate an assistant director, deans and director of finance for appointment by the board of trustees.

4. Staff oversight. The directors shall oversee the administrators, faculty and staff of the institutes.

5. Personnel evaluation. Under policies and standards developed by the board of trustees, the directors shall evaluate the performance of the administrators, faculty and staff of the institutes and make personnel recommendations to the executive director and the board of trustees.

6. Assist in preparation of the budget. The directors shall assist the board of trustees and the executive director in the preparation of the budget for the system. Each director shall prepare a proposed line-item budget for the institute that each director represents. A copy of the proposed budget of each institute shall be provided to the board of trustees and the executive director for their examination. Nothing in this subsection may be construed to mean that the directors have approval authority for the budgets of the institutes.

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

A. The board of trustees may establish guidelines by which each director may make rules for the control, movement and parking of vehicles within the limits of the property owned by or under the control of the institute. These rules may include special provisions for employees of the system and institute students. A director's rule shall be adopted or amended subject to the approval of the board of trustees and shall have the same force and effect as a municipal ordinance. District courts may impose fines, not to exceed \$10, for each violation of these rules.

B. The board of trustees 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.

8. Advisory committees. Each director shall appoint advisory committees to advise on the development and operation of the educational programs at the institutes.

9. Delegated duties. Each director shall undertake other duties as delegated by the board of trustees and the executive director.

#### §12713. Administrative council

The administrative council shall be a nonvoting, advisory council, composed of the directors of the institutes to advise the board of trustees and the executive director. The administrative council shall advise the executive director in the performance of the duties assigned under this chapter and shall make

recommendations to the executive director and the board of trustees with respect to the administration of the institutes, courses of study, educational programs, curricula, coordination of programs between the institutes, coordination with other institutions of higher learning and other educational and training institutions and other matters as requested by the executive director or the board of trustees.

§12714. Name and program of the vocational-technical institutes

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

1. Central Maine. Central Maine Vocational-Technical Institute;

2. Eastern Maine. Eastern Maine Vocational-Technical Institute;

3. Kennebec Valley. Kennebec Valley Vocational-Technical Institute;

4. Northern Maine. Northern Maine Vocational-Technical Institute;

5. Southern Maine. Southern Maine Vocational-Technical Institute; and

6. Washington County. Washington County Vocational-Technical Institute.

§12715. Accreditation

The institutes may seek and maintain membership in the appropriate regional accrediting association and shall strive to satisfy the requirements necessary to achieve and maintain accreditation as vocational-technical institutes and to meet the requirements necessary to receive federal aid. Whenever feasible and appropriate, programs of study offered by

the institutes shall meet the requirements of the corresponding occupations for licensing, certification or registration. As provided in Title 32, institute graduates with appropriate training and experience shall be eligible for licensure as journeyman workers in certain specified occupations upon passage of the journeyman's examination.

§12716. Financial aid

1. State scholarships. The board of trustees shall develop and administer a program of scholarships for institute students. Awards shall be based on evidence of individual need and worth.

Students selected to receive a scholarship shall fulfill the following qualifications:

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

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

C. Show demonstrated need of financial assistance to help pay the cost of institute attendance.

2. National Guard Scholarship Program. Members of the Maine National Guard with over 10 years of continuous service may be awarded scholarships on the basis of their guard membership, not to exceed 3 credit hours or the equivalent each semester. The guard shall select those who are to receive scholarships from among those members eligible for admission to an institute. The program shall be administered by the board of trustees.

3. Loan fund revolving accounts. In compliance with federal regulations, the board of trustees may establish and administer loan fund revolving accounts to provide effective and efficient student loan programs for the institutes. The board of trustees shall adopt rules governing the giving of loans to institute students in need of financial aid, repayment plans and other aspects of the loan programs. Each loan fund revolving account authorized and the specific funds associated with it shall be kept in a separate special account and any repayment of loans made from one of these separate special accounts shall be credited to that separate special account for continued use as a loan fund.

§12717. Instructional Projects Revolving Fund

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

§12718. Annual report

The board of trustees shall prepare an annual report by January 1st of each year, to be submitted to the Governor and joint standing committees of the Legislature having jurisdiction over education and over appropriations and financial affairs. The report shall be presented by the chairman before the joint standing committee of the Legislature having jurisdiction over education. This report shall include:

1. Budget expenditures. Budget expenditures for the last complete fiscal year and projected expenditures for the fiscal year in which the report is submitted;

2. Current enrollments. Current enrollments by program at each institute;

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

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

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

A. Suitability as indicated by licensing requirements, general educational development, specific vocational preparation levels, national

surveys, career information delivery system and occupational outlook handbook recommendations and alternate training environments;

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

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

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

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

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

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

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

6. List. A list of needs, in order of priority, of the institutes; and

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

**Sec. 12.** 26 MRSA §1005, as amended by PL 1973, c. 571, §62, is further amended to read:

§1005. Related and supplemental instruction

Related and supplemental instruction for apprentices, coordination of instruction with work experiences and the selection of teachers and coordinators for such instructions shall be the responsibility of the state and local boards of education Board of Trustees of the Maine Vocational-Technical Institute System. The Commissioner of Educational and Cultural

Services executive director of the system shall be responsible and make provision, subject to the allotment of funds, for related and supplemental instruction for apprentices as may be employed under apprenticeship programs registered and approved by the council.

Sec. 13. 26 MRSA §1022, sub-§1-C, as amended by PL 1985, c. 506, Pt. B, §21, is repealed and the following enacted in its place:

1-C. Vocational-technical institute. "Vocational-technical institute" means the Maine state vocational-technical institutes and their activities and functions supervised by the Board of Trustees of the Maine Vocational-Technical Institute System or its designee. The employment relations, policies and practices throughout the vocational-technical institutes shall be as consistent as possible. It is the responsibility of the board of trustees or its designee to negotiate collective bargaining agreements and administer these agreements. The board of trustees or its designee is responsible for employer functions of the vocational-technical institutes under this chapter and shall coordinate its collective bargaining activities with campuses or units on matters of vocational-technical institute concern. In addition to its responsibilities to the public generally, the board of trustees shall have the specific responsibility of considering and representing the interests and welfare of the students in any negotiations under this chapter.

A. The Board of Trustees of the Maine Vocational-Technical Institute System shall use the Office of Employee Relations for the purposes of this chapter. This paragraph shall be repealed June 30, 1987.

Sec. 14. 26 MRSA §1022, sub-§3, as amended by PL 1975, c. 671, §4, is further amended to read:

3. Board of Trustees. "Board of Trustees" means the Board of Trustees of the University of Maine or, the Board of Trustees of the Maine Maritime Academy or the Board of Trustees of the Maine Vocational-Technical Institute System.

Sec. 15. 26 MRSA §1022, sub-§11, as amended by PL 1985, c. 506, Pt. B, §22, is further amended to read:

11. University, academy or vocational-technical institute employee. "University, academy or vocational-technical institute employee" means any regular

employee of the University of Maine, the Maine Maritime Academy or ~~Vocational-technical institutes~~ the Maine Vocational-Technical Institute System performing services within a campus or unit, except any person:

- A. Appointed to office pursuant to statute;
- B. Appointed by the Board of Trustees as a vice-president, dean, director or member of the chancellor's ~~or~~, superintendent's or Maine Vocational-Technical Institute System executive director's immediate staff;
- C. Whose duties necessarily imply a confidential relationship with respect to matters subject to collective bargaining as between such person and the university ~~or~~, the academy or the Maine Vocational-Technical Institute System; or
- D. Employed in his initial 6 months of employment.

Sec. 16. 26 MRSA §1024-A, sub-§3, ¶¶A and B, as enacted by PL 1979, c. 541, Pt. B, §31, are repealed and the following enacted in their place:

- A. Faculty and instructors;
- B. Administrative staff;
- C. Supervisory;
- D. Support services;
- E. Institutional services; and
- F. Police.

Sec. 17. 26 MRSA §1452, as amended by PL 1985, c. 147, §1 and c. 295, §41, is repealed and the following enacted in its place:

§1452. Maine Occupational Information Coordinating Committee

The Maine Occupational Information Coordinating Committee, as established by Title 5, chapter 379, shall support the development, maintenance and operation of a Comprehensive Career, Occupational and Economic Data-based System and foster communication and coordination of education, employment and training programs through the use of the system. The committee shall consist of the Commissioner of Labor, the



Commissioner of Human Services, the Commissioner of Educational and Cultural Services, the Director of the State Development Office, the Director of the State Planning Office and the chairmen of the Maine Job Training Council, the State Board of Education and the Board of Trustees of the Maine Vocational-Technical Institute System. The Commissioner of Labor and the Commissioner of Educational and Cultural Services may serve as the representatives of the chairmen of the Maine Job Training Council and the State Board of Education, respectively, upon the agreement of that designation by the 2 agencies. The Commissioner of Labor shall be the chairman of the committee with the Department of Labor serving as the fiscal agent for the committee.

Sec. 18. 32 MRSA §1202, sub-§1, ¶A, as repealed and replaced by PL 1981, c. 670, is amended to read:

A. For a journeyman electrician's or limited license, at least 8,000 hours of service as an apprentice or helper electrician or at least 8,000 hours of experience in electrical installations as defined in section 1101, and satisfactory completion of a program of study comprising 576 hours as approved by the Electricians' Examining Board and completion of a course of not less than 45 hours in the current National Electrical Code, the course to be approved by the board. A graduate of a regional vocational high school 2-year electrical program approved by the Electricians' Examining Board shall be eligible to write the journeyman's examination, as long as he has worked for 8,000 hours in the field of electrical installations under the supervision of a master electrician or the equivalent. Graduates of an electrical program approved by the Electricians' Examining Board at a vocational-technical institute shall be eligible to write the journeyman's examination and after passage of the examination and after they have worked for 4,000 hours in the field of electrical installations under the supervision of a master electrician or equivalent shall receive a journeyman's license. Any person who has at least 2 years' service as an apprentice or helper electrician may take the examination for a journeyman's or limited license and shall receive a license if he passes, provided that he was licensed as an apprentice or helper electrician under subsection 3 on January 1, 1981, that he applies for the examination in accordance with section 1203 before January 1, 1983, and that he takes the examination within 6 months of his becoming eligible to do so. Upon

the effective date of this paragraph, the board shall notify, by certified mail, return receipt requested, all persons who were licensed as apprentice or helper electricians on January 1, 1981, of the provisions of the preceding sentence. For a master electrician's license, at least 4,000 hours of service as a journeyman electrician or at least 12,000 hours of service as an apprentice or helper electrician or at least 12,000 hours of experience in electrical installations, as defined in section 1101, and satisfactory completion of a program of study comprising 576 hours as approved by the Electricians' Examining Board and completion of a course of not less than 45 hours in the current National Electrical Code, the course to be approved by the Electricians' Examining Board; and

Sec. 19. PL 1985, c. 497, §21 is repealed.

Sec. 20. Transition provision. The following provisions shall apply to the Maine Vocational-Technical Institute System on the effective date of this Act.

1. Funds transferred. Notwithstanding the Maine Revised Statutes, Title 5, sections 1585 and 1586, all accrued expenditures, assets, liabilities, balances or allocations, transfers, revenues or other available funds in any account or subdivision of an account of the Bureau of Vocational Education and authorized for use by or for the vocational-technical institutes shall be reallocated to the Maine vocational-technical institutes.

2. Rules and procedures. All rules and procedures currently in effect and operation pertaining to the vocational-technical institutes within the Bureau of Vocational Education shall remain in effect until rescinded or amended by the Board of Trustees of the Maine vocational-Technical Institute System.

3. Equipment and property transferred. All equipment and property of the vocational-technical institutes shall remain with the Maine vocational-technical institutes, unless the board of trustees authorizes a different policy.

4. Contracts and agreements. All contracts and agreements currently in effect with the Bureau of Vocational Education and contracts relating to the vocational-technical institutes shall remain in effect following the effective date of this Act until rescinded, terminated or modified by the board of trustees.

5. Employees. Employees of the Bureau of Vocational Education and the vocational-technical institutes shall remain as members within the Maine State Retirement System during their tenure in the Maine Vocational-Technical Institute System. New employees shall also be eligible for membership in the Maine State Retirement System.

All personnel shall continue to be treated as state employees for purposes of rights and benefits under the Maine State Retirement System. Employer and employee contributions shall be made as determined by current and future collective bargaining agreements.

6. Property and equipment. All property and equipment within the Bureau of Vocational Education authorized by or for the use of the vocational-technical institutes or the administration of post-secondary vocational education shall be transferred to the Maine Vocational-Technical Institute System.

7. Personnel transferred. Personnel of the Department of Educational and Cultural Services, Bureau of Vocational Education assigned primarily to post-secondary vocational and technical education activities provided in this Act shall be transferred to analogous positions within the support office of the Maine Vocational-Technical Institute System, subject to the approval of the board of trustees of the system. Classified and unclassified employees assigned to the vocational-technical institutes shall become employees of the Maine Vocational-Technical Institute System.

The accrued fringe benefits of these personnel, including vacation and sick leave, health and life insurance and retirement, shall remain with the transferred personnel. The rights and benefits under current collective bargaining agreements shall continue for all covered personnel. If these agreements expire, or have expired, the status quo shall be maintained according to applicable labor law principles. All personnel transferred from state employment to the Maine Vocational-Technical Institute System shall retain all seniority rights and privileges and all rights and privileges which are derived therefrom as provided in their applicable collective bargaining agreements with regard to employment in state service for a period of 2 years from the date of the establishment of the Maine Vocational-Technical Institute System.

The Department of Personnel shall assist the Board of Trustees of the Maine Vocational-Technical

Institute System with the orderly implementation of these provisions, to be completed on or before July 1, 1987.

8. Allocation of Federal Vocational Education Act resources. In recognition of the fact that federal vocational education policy assigns high priority to both secondary and post-secondary vocational education, as well as to the vocational training and retraining of adults, of the fact that the Maine Vocational-Technical Institute System represents the State's primary delivery mechanism for vocational and technical education at the post-secondary level and of the fact that the Carl D. Perkins Vocational Education Act, P.L. 98-524, places major emphasis on economic development programming, which is a primary goal of the system, the Board of Trustees of the Maine Vocational-Technical Institute System shall meet and confer, on a biennial basis, with the State Board of Education, which is the sole state agency responsible for the administration of the State's vocational education program under the Carl D. Perkins Act, to develop an appropriate allocation of resources available through the Carl D. Perkins Act, or its successor, between the secondary and adult vocational education programs represented by the Bureau of Vocational Education, or its successor or successors, and the post-secondary vocational and technical education programs represented by the Maine Vocational-Technical Institute System.

9. Bonds. The Board of Trustees of the Maine Vocational-Technical Institute System shall assume the responsibilities of the State Board of Education and the Department of Educational and Cultural Services with respect to vocational-technical institute bonds, as described in Private and Special Law 1967, chapter 168 and Private and Special Law 1977, chapter 106 and other bond issue acts.

10. Board of trustees. The members of the board of trustees of the Maine vocational-technical institutes appointed pursuant to this Act shall serve as members of the Board of Trustees of the Maine Vocational-Technical Institute System until their appointed terms expire.

11. Retention of revenue. The authority of the board of trustees to retain tuition revenues, as provided in the Maine Revised Statutes, Title 20-A, section 12706, subsection 7, shall be deferred until July 1, 1987, except that any tuition revenues in excess of the amounts projected to the Legislature for the current biennium shall be retained in accordance with that subsection.

12. Transferred and new employees. All transferred or new employees of the Maine Vocational-Technical Institute System who are or would have been members of the present State Administrative Services Bargaining Unit, the Professional and Technical Services Bargaining Unit and the Operations, Maintenance and Support Services Bargaining Unit shall be transferred to the Support Services Bargaining Unit within the Maine Vocational-Technical Institute System. All transferred or new employees of the Maine Vocational-Technical Institute System who are or would have been members of the present state Supervisory Services Bargaining Unit shall be transferred to the Supervisory Services Bargaining Unit within the Maine Vocational-Technical Institute System. All transferred or new employees who are or would have been members of the State Institutional Services Bargaining Unit shall be transferred to the Institutional Services Bargaining Unit within the Maine Vocational-Technical Institute System.

All personnel who are currently represented by a bargaining agent shall continue to be represented by that bargaining agent. During the 30-day period following the effective date of this Act, a petition for decertification or certification of a new bargaining agent for the newly created bargaining units of supervisory, support services and institutional services may be filed in accordance with the Maine Revised Statutes, Title 26, chapter 12 and the rules of the Maine Labor Relations Board.

13. Board of trustees as successor employer. For the purposes of applying this chapter and collective bargaining agreements governing employees of the Maine vocational-technical institutes, the Board of Trustees of the Maine Vocational-Technical Institute System shall be considered the successor employer to and shall assume the obligations of the State Board of Education and of the State.

**Sec. 21. Vocational-technical institute employees;** reference to. All references in the public laws of the State to vocational-technical institute employees shall be construed to refer to employees of the Maine Vocational-Technical Institute System.

**Sec. 22. Transition provisions.** The board of trustees may appoint an executive director and other staff of the system as of the effective date of this Act. The organization of the Vocational-Technical Institute Support Office shall be accomplished in orderly stages and shall be completed on or before July 1, 1987. Except as otherwise provided by this Act, all references in the public laws of the State to the

Board of Trustees of the Maine Vocational-technical Institutes shall be construed to refer to the Board of Trustees of the Maine Vocational-Technical Institute System. Except as otherwise provided by this Act, the provisions of Public Law 1985, chapter 497, shall remain in effect.

Sec. 23. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1986-87

MAINE VOCATIONAL-TECHNICAL  
INSTITUTE SYSTEM

All Other	\$250,000
Provides funds for the organization and operation of the Maine Vocational-Technical Institute System and the support office.	

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except that section 6 shall take effect on December 3, 1986.

Effective April 16, 1986, unless otherwise indicated.

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## CHAPTER 696

H.P. 1559 - L.D. 2198

AN ACT to Improve the Management of Maine's  
Forest Recreation Resource.

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

Sec. 1. 12 MRSA §9341, as enacted by PL 1979, c. 545, §3, is repealed and the following enacted in its place:

§9341. Establishment

The Commissioner of Conservation may construct and maintain public campsites to prevent forest