

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

DEPARTMENT OF ENVIRONMENTAL PROTECTION

TOTAL	\$128,183	\$150,585
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See title page for effective date.

CHAPTER 443

H.P. 815 - L.D. 1127

An Act to Enhance the Status of Vocational-technical Education in Maine

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

Sec. 1. 1 MRSA §402, sub-§2, ¶B, as repealed and replaced by PL 1987, c. 20, §1, is amended to read: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 ~~Vocational-Technical Institute~~ Technical College System and any of its committees and subcommittees; and

Sec. 2. 1 MRSA §402, sub-§3, ¶E, as repealed and replaced by PL 1987, c. 402, Pt. A, §1, 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 ~~Vocational-Technical Institute~~ Technical 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Sec. 3. 3 MRSA §507, sub-§7, ¶B, as repealed and replaced by PL 1987, c. 769, Pt. A, §3, is amended to read:

B. The evaluations and analyses of the justification reports for the programs of the following Group D-2 departments shall be reviewed by the Legislature no later than June 30, 1987: The Department of Educational and Cultural Services, excluding the State Museum Bureau, the Arts Bureau and the ~~vocational-technical institutes~~ technical colleges.

Sec. 4. 3 MRSA §507, sub-§10, ¶B, as repealed and replaced by PL 1987, c. 769, Pt. A, §4, is amended to read:

B. Unless continued or modified by law, the following Group G-2 independent agencies shall terminate, not including the grace period, no later than June 30, 1990. 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, 1990:

- (1) Board of Emergency Municipal Finance;
- (2) Finance Authority of Maine;
- (3) Maine Municipal Bond Bank;
- (4) State Liquor Commission;
- (5) Capitol Planning Commission;
- (6) State Board of Property Tax Review;
- (7) ~~Maine Vocational-Technical Institute~~ Technical College System;
- (8) Maine Commission for Women; and
- (9) Maine Human Rights Commission.

Sec. 5. 5 MRSA §18, sub-§1, ¶B, as amended by PL 1987, c. 735, §4 and c. 784, §1, is repealed and the following enacted in its place:

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

- (1) The Governor;
- (2) Employees of and members serving with the National Guard;
- (3) Employees of the University of Maine System, the Maine Maritime Academy and state technical colleges;
- (4) Employees who are employees solely by their appointment to an advisory body;
- (5) Members of boards listed in chapter 379, who are required by law to represent a specific interest, except as otherwise provided by law; and
- (6) Members of advisory boards as listed in chapter 379.

Sec. 6. 5 MRSA §285, sub-§1, ¶F-1, as amended by PL 1987, c. 735, §5, is further amended to read:

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

Sec. 7. 5 MRSA §931, sub-§1, ¶H, as amended by PL 1985, c. 481, Pt. A, §7, is further amended to read:

H. Officers and employees of the unorganized territory school system; the teachers, administrators and professional employees of the state ~~vocational-technical institutes~~ technical colleges and the Governor Baxter School for the Deaf; and the teachers, administrators and professional employees of school systems in other state institutions;

Sec. 8. 5 MRSA §1507, sub-§4-A, as amended by PL 1985, c. 497, §1, is further amended to read:

4-A. Maine technical colleges. 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~~ Maine technical colleges. Allocations may be made from this fund by the Governor only upon the written request of the Board of Trustees of the Maine ~~Vocational-Technical Institutes~~ technical colleges and after consultation with the State Budget Officer.

Sec. 9. 5 MRSA §1507, sub-§5-A, as amended by PL 1987, c. 816, Pt. N, §2, is further amended to read:

5-A. Job development training. The Governor may allocate 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 extraordinary needs for state assistance in creating jobs by assisting in meeting the training requirements of labor intensive new or expanding industries. Allocations for this purpose may be made from this fund by the Governor only upon the written request of the Commissioner of Labor and the Commissioner of Economic and Community Development and after consultation with the State Budget Officer. The commissioners' request to the Governor shall be formulated subsequent to their consultation with the Commissioner of Educational and Cultural Services, the Executive Director of the Maine ~~Vocational-Technical Institute~~ Technical College System and the director of the appropriate service delivery area as defined by the Job Training Partnership Act.

Sec. 10. 5 MRSA §1893, sub-§8, ¶A, as repealed and replaced by PL 1987, c. 701, §4, is amended to read:

A. The data and information subject to the exchange procedure shall include:

- (1) Employment data, including employment by the Standard Industrial Classification Code and by occupation;
- (2) Wage data by the Standard Industrial Classification Code and by occupation;
- (3) Income data, including personal and business income;

(4) Housing data, particularly data to measure the extent of the availability of affordable housing for low-income and moderate-income households throughout the State;

(5) Levels of education of the work force;

(6) Enrollments in secondary vocational-regional centers and the ~~Vocational-Technical Institute~~ Technical College System;

(7) Enrollments of Maine residents in colleges and universities located inside and outside the State;

(8) Job training, including participants and types of programs;

(9) Business financing data;

(10) General assistance data, including state and municipal assistance;

(11) Business growth and change, including business expansions, new businesses and business closings;

(12) Changes in land use from an undeveloped status to a developed status;

(13) Investments in business in this State which shall be differentiated in accordance with the Standard Industrial Classification Code;

(14) Business usage of electrical power, differentiated according to Standard Industrial Classification Code standards;

(15) Data by which employment and unemployment patterns, poverty and low-income patterns and economically distressed communities and regions can be determined; and

(16) Taxation data maintained by the Bureau of Taxation.

Sec. 11. 5 MRSA §7051, sub-§4, as amended by PL 1987, c. 402, Pt. A, §55, is further amended to read:

4. Employees in military service; substitutes. Whenever any employee, regularly employed in other than a temporary 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 University of Maine System, ~~vocational-technical institutes~~ technical colleges, Maine School Building Authority, Maine Turnpike Authority, Finance Authority of Maine or any other state or quasi-state agency, or by any county, municipality, township or school district within the State shall in time of war, contemplated war, emergency or limited emergency, enlist, enroll, be called or ordered or be drafted into the Armed Forces of the United States or any branch or unit thereof, or shall be regularly drafted under

federal manpower regulations, ~~he~~ the employee shall not be deemed or held to have thereby resigned from or abandoned ~~his~~ employment, nor shall ~~he~~ be removable during the period of ~~his~~ service. "Temporary," for the purpose of this section means employment based on a seasonal or on-call basis or employment based on a contract of less than 6 months' duration.

A. An employee subject to this section, while in the Armed Forces of the United States or still employed after draft under federal manpower regulations, shall be considered as on leave of absence without pay and, for the purpose of computing time in regard to pension rights, annual and sick leave accumulation and seniority, shall be considered during the period of ~~his~~ federal service as in the service of the governmental agency by which ~~he~~ the employee was employed at the time of ~~his~~ entry into federal service. The employee, if ~~he reports~~ reporting for duty within a 90-day period from the date of separation under conditions other than dishonorable from the Armed Forces of the United States or if receiving treatment in a hospital at the time of ~~his~~ separation, ~~he~~ the employee reports for duty within 90 days from ~~his~~ discharge from the hospital, shall:

(1) If still qualified to perform the duties of that position, be restored to that position or to a position of like seniority, status and pay; or

(2) If not qualified to perform that position by reason of disability sustained during service, but qualified to perform duties of any other position in the employ of ~~his~~ the employee's preservice employer, be restored to such other position the duties of which ~~he~~ the employee is qualified to perform as will provide ~~him~~ the employee like seniority, status and pay, or the nearest approximation consistent with the circumstances in ~~his~~ the employee's case.

B. Any employee restored to a position under this section shall not be discharged from that position without cause within one year after restoration to that position.

C. This section shall apply to any such employee entering the Armed Forces of the United States under Public Law 759 80th Congress (Selective Service Act of 1948) or while said Public Law 759 or any amendment thereto or extension thereof shall be in effect.

D. Rights to reemployment, credits toward retirement under the Maine State Retirement System and vacation or sick leave accumulation shall not be allowed beyond the period of the first enlistment or induction, but in no event beyond 4 years from the date of ~~his~~ the original call to active duty in the Armed Forces of the United States, except if ~~his~~ the employee's return to active duty in the Armed Forces or the extension of ~~his~~ the period of service beyond 4

years is required by some mandatory provision and ~~he~~ the employee shall present proof satisfactory to the agency concerned.

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

Sec. 12. 5 MRSA §7054, sub-§4, as amended by PL 1987, c. 402, Pt. A, §§56 and 57, is further amended to read:

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

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

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

Sec. 13. 5 MRSA §8002, sub-§2, as amended by PL 1985, c. 779, §22, is further amended to read:

2. Agency. "Agency" means any body of State Government authorized by law to adopt rules, to issue licenses or to take final action in adjudicatory proceedings, including, but not limited to, every authority, board, bureau, commission, department or officer of the State Government so authorized; but the term shall not include the Legislature, Governor, courts, University of Maine System, Maine Maritime Academy, ~~vocational-technical institutes~~ technical colleges, the Commissioner of Educational and Cultural Services for schools of the unorganized territory, school administrative units, special purpose districts or municipalities, counties or other political subdivisions of the State.

Sec. 14. 5 MRSA §12004-C, sub-§3, as enacted by PL 1987, c. 786, §5, is amended to read:

3. Board of Trustees, Legislative 20-A MRSA §12705
Maine ~~Vocational-Technical~~ Per Diem
~~Institute~~ Technical College
System

Sec. 15. 5 MRSA §15138, first ¶, as amended by PL 1987, c. 769, Pt. A, §25, is further amended to read:

Agencies of State Government shall cooperate to assess the needs of zones and provide appropriate assistance to these zones. There shall be a committee composed of, at a minimum, the Commissioner of Economic and Community Development, Director of the State Planning Office, Commissioner of Transportation, Commissioner of Labor, Commissioner of Educational and Cultural Services, Executive Director of the Maine ~~Vocational-Technical Institute~~ Technical College System, Chief Executive Officer of the Finance Authority of Maine and the Director of the Maine State Housing Authority.

Sec. 16. 5 MRSA §17001, sub-§11, as amended by PL 1987, c. 256, §1, is further amended to read:

11. Department. "Department" means any department, commission, institution or agency of State Government including the Maine ~~Vocational-Technical Institute~~ Technical College System.

Sec. 17. 5 MRSA §17001, sub-§40, as repealed and replaced by PL 1987, c. 256, §3, is amended to read:

40. State employee. "State employee" means any regular classified or unclassified officer or employee in a department and any employee of the Maine ~~Vocational-Technical Institute~~ Technical College System, but does not include:

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

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

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

Sec. 18. 7 MRSA §212, sub-§3, as enacted by PL 1983, c. 608, §2, is amended to read:

3. State or school purchaser. "State or school purchaser" means any person who purchases foodstuffs for any state institution or agency, the ~~vocational-technical institutes~~ technical colleges or the school districts of this State.

Sec. 19. 10 MRSA §918, sub-§2, as enacted by PL 1977, c. 548, §1, is amended to read:

2. Public sector corporators. Public sector corporators shall be those agencies of government and other organizations providing support of at least \$50 annually to the foundation. For the ~~proposes~~ purposes of this chapter, public sector corporators shall include: Municipal and county government; councils of government; local and area development corporations; regional planning commissions; development districts; state agencies; higher educational facilities, including the components of the state university system, the

Maine Maritime Academy, private colleges and post-secondary schools, and ~~vocational-technical institutes~~ technical colleges; and such other public or quasi-public entities as may be approved by the directors of the foundation.

Sec. 20. 10 MRSA §1478, sub-§1, ¶A, as enacted by PL 1985, c. 569, §2, is amended to read:

A. For the purposes of this section, "state agency" includes the Maine ~~vocational-technical institutes~~ technical colleges.

Sec. 21. 14 MRSA §8102, sub-§4, as amended by PL 1987, c. 11, §1, is further 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~~ Technical College System, the Maine Veterans' Homes and all such other state entities.

Sec. 22. 20-A MRSA §6359, sub-§1, ¶G, as enacted by PL 1985, c. 771, §§2 and 7, is amended to read:

G. "School" means any public or private, post-secondary school in the State including, but not limited to colleges, universities, ~~vocational-technical institutes~~ technical colleges and schools for the health professions.

Sec. 23. 20-A MRSA §9000, sub-§2, as enacted by PL 1987, c. 124, §2, is amended to read:

2. System. "System" means the Maine ~~Vocational-Technical Institute~~ Technical College System, established by chapter 431.

Sec. 24. 20-A MRSA §9002, sub-§1, ¶¶H and I, as enacted by PL 1987, c. 124, §4, are amended to read:

H. Two members recommended by the Southern Maine ~~Vocational-Technical Institute~~ Technical College Fire Science Craft Committee; and

I. Two members recommended by the Eastern Maine ~~Vocational-Technical Institute~~ Technical College Fire Science Craft Committee.

Sec. 25. 20-A MRSA §10201, as enacted by PL 1983, c. 320, §2, is amended to read:

§10201. Establishment

The Energy Testing Laboratory of Maine, referred to in this chapter as "ETLM," is established at Southern Maine ~~Vocational-Technical Institute~~ Technical College, referred to in this chapter as "~~SMVTI~~," "SMTC," within the Department of Educational and Cultural Services.

Sec. 26. 20-A MRSA §11608, sub-§3, as amended by PL 1987, c. 795, is further amended to read:

3. State University of Maine System; grant allocation. The department may allocate up to 25% of the state student incentive scholarship grants to eligible students attending the University of Maine System, up to 2 1/2% to eligible students attending the Maine Maritime Academy and up to 2 1/2% to eligible students attending the ~~voeational-technical institutes~~ technical colleges. The remaining 70% shall be granted to eligible students attending other eligible institutions of higher education. If administration of the scholarship program does not result in use of all the funds allocated for Maine Maritime Academy students, ~~voeational-technical institute~~ technical college students or eligible students attending other eligible institutions of higher education by November 15th of any school year, the department shall reallocate the unused funds for use by eligible students attending the University of Maine System. If the funds are reallocated, the total amount of funds allocated for use by students attending the University of Maine System may exceed the percentage provided in this subsection.

Sec. 27. 20-A MRSA §12552, sub-§3, as amended by PL 1985, c. 779, §57, 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 ~~voeational-technical institutes~~ technical colleges.

Sec. 28. 20-A MRSA §12604, sub-§4, as enacted by PL 1987, c. 527, §2, is amended to read:

4. Community or junior college attendance. An advance tuition payment contract shall provide that the plan provide for the qualified beneficiary to attend an accredited ~~voeational-technical institute~~ technical college, community or junior college before entering an accredited institution of higher education if the beneficiary chooses and that the contract may be terminated pursuant to section 12606 after completing the requirements for a degree at the ~~voeational-technical institute~~ technical college, community or junior college or before entering the state institution of higher education.

Sec. 29. 20-A MRSA §12606, sub-§4, as enacted by PL 1987, c. 527, §2, is amended to read:

4. Certain conditions. Certain conditions are allowable pursuant to rules adopted by the board.

The right to receive a refund shall not be authorized under the contract if the qualified beneficiary has completed more than 1/2 of the credit hours required by the state institution of higher education for the awarding of a baccalaureate degree. This provision shall not affect the termination and refund rights of a graduate of a ~~voeational-technical institute~~ technical college, community or junior college.

Sec. 30. 20-A MRSA §12607, sub-§§2 and 3, as enacted by PL 1987, c. 527, §2, are amended to read:

2. Amount of refund. The amount of a refund shall be reduced by the amount transferred to a ~~voeational-technical institute~~ technical college, community or junior college on behalf of a qualified beneficiary when the contract is terminated as provided in section 12604, subsection 4, and by the amount transferred to a state institution of higher education on behalf of a qualified beneficiary.

3. Right to receive settlement fund. The right to receive a settlement fund shall not be authorized under the contract if the qualified beneficiary has completed more than 1/2 of the credit hours required by the state institution of higher education for the awarding of a baccalaureate degree.

A. This provision shall not affect the termination and refund rights of a graduate of a ~~voeational-technical institute~~ technical college, community or junior college.

Sec. 31. 20-A MRSA §12608, first ¶, as enacted by PL 1987, c. 527, §2, is amended to read:

An advance tuition payment contract may authorize a person, who is entitled under the advance tuition payment contract to terminate the contract, to direct payment of the settlement sum, pursuant to restrictions set forth in section 12605, subsection 3, to an independent accredited degree-granting college or university or to a ~~voeational-technical institute~~ technical college, community or junior college.

Sec. 32. 20-A MRSA §12701, sub-§§3, 5 and 6, as enacted by PL 1985, c. 695, §11, are amended to read:

3. President. "~~Director~~" "President" means the ~~director~~ president of a ~~voeational-technical institute~~ technical college.

5. College. "~~Institute~~" "College" means a ~~voeational-technical institute~~ technical college as established in section 12714.

6. System. "System" means the Maine ~~Voecational-Technical Institute~~ Technical College System.

Sec. 33. 20-A MRSA §12701, sub-§7, as amended by PL 1987, c. 532, §1, is further amended to read:

7. Maine Technical College System Office. "Maine ~~Voecational-Technical Institute~~ Technical College System Office" means the office of the executive director, together with the offices of supporting staff, as established in section 12710.

Sec. 34. 20-A MRSA §12702, as enacted by PL 1985, c. 695, §11, is amended to read:

§12702. System established

There is established the Maine ~~Voecational-Technical Institute~~ Technical College 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~~ Technical College Support Office and the ~~vocational-technical institutes~~ technical colleges.

Sec. 35. 20-A MRSA §12703, as enacted by PL 1985, c. 695, §11, is amended to read:

§12703. Mission and goals

The basic mission of the Maine ~~Vocational-Technical Institute~~ Technical College 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 workforce needs of the State's employers.

The primary goals of post-secondary vocational-technical education and the Maine ~~Vocational-Technical Institute~~ Technical College 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.

Sec. 36. 20-A MRSA §12704, sub-§§3 and 4, as enacted by PL 1985, c. 695, §11, are amended to read:

3. Job skills and flexibility. Providing each ~~institute~~ college 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~~ college 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;

Sec. 37. 20-A MRSA §12706, sub-§§1 and 10, as amended by PL 1987, c. 532, §3, are further amended to read:

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

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 Maine ~~Vocational-Technical Institute~~ Technical College System Office;

Sec. 38. 20-A MRSA §12706, sub-§11, as enacted by PL 1985, c. 695, §11, is amended to read:

11. Personnel policies. To develop and adopt personnel policies and procedures for the system. The board of trustees, subject to applicable collective bargaining agree-

ments, 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~~ presidents, ~~assistant directors~~ vice-presidents, deans and directors of finance of the ~~institutes~~ colleges. The provisions of the Personnel Law, as defined by Title 5, section 551 and Title 5, chapter 71, do not apply to the system;

Sec. 39. 20-A MRSA §12706, sub-§19, as amended by PL 1987, c. 532, §3, is further amended to read:

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~~ colleges to meet the needs of the State's economy and the changing job market and to the efficient operation of the ~~institutes~~ colleges and the Maine ~~Vocational-Technical Institute~~ Technical College System 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.

Sec. 40. 20-A MRSA §12707, as enacted by PL 1985, c. 695, §11, is amended to read:

§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~~ college applicants, students and graduates.

Sec. 41. 20-A MRSA §12709, sub-§1, as enacted by PL 1985, c. 695, §11, is amended to read:

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

Sec. 42. 20-A MRSA §12709, sub-§2, as amended by PL 1987, c. 532, §4, is further amended to read:

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

Sec. 43. 20-A MRSA §12709, sub-§3, as enacted by PL 1985, c. 695, §11, is amended to read:

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

Sec. 44. 20-A MRSA §12709, sub-§§4, 5 and 8, as amended by PL 1987, c. 532, §4, are further amended to read:

4. Staff oversight. To oversee the staff of the Maine ~~Vocational-Technical Institute~~ Technical College System Office and the directors presidents of the institutes colleges;

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

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 college and the Maine ~~Vocational-Technical Institute~~ Technical College System Office;

Sec. 45. 20-A MRSA §12709, sub-§§10 and 13, as enacted by PL 1985, c. 695, §11, are amended to read:

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

13. Coordination with the private sector. To work closely with the private sector in order to ensure that the institutes colleges 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;

Sec. 46. 20-A MRSA §12710, as amended by PL 1987, c. 532, §5, is further amended to read:

§12710. Maine Technical College System Office

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

Sec. 47. 20-A MRSA §12711, as enacted by PL 1985, c. 695, §11, is amended to read:

§12711. Presidents of the colleges

The executive director shall nominate the directors presidents for appointment by the board of trustees. The

directors presidents must be qualified by education and experience and shall serve at the pleasure of the board of trustees.

Sec. 48. 20-A MRSA §12712, as amended by PL 1987, c. 737, Pt. C, §§56 and 106, is further amended to read:

§12712. Powers and duties of the presidents of the colleges

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

1. Administration of the colleges. The directors presidents shall be responsible for the administration of the institutes colleges. The directors presidents 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 presidents shall administer the institutes colleges in a manner consistent with the mission and goals set forth in section 12703.

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

3. Nomination of vice-presidents. The director president of each institute college shall nominate ~~an assistant director~~ a vice-president, deans and director of finance for appointment by the board of trustees.

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

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

6. Assist in preparation of the budget. The directors presidents shall assist the board of trustees and the executive director in the preparation of the budget for the system. Each director president shall prepare a proposed line-item budget for the institute college that each director president represents. A copy of the proposed budget of each institute college 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 presidents have approval authority for the budgets of the institutes colleges.

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

A. The board of trustees may establish guidelines by which each ~~director~~ president 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~~ college. These rules may include special provisions for employees of the system and ~~institute~~ college students. A ~~director's~~ president'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-A, section 3009, subsection 1, paragraph C, relating to prima facie evidence and the establishment of a waiver of court action by payment of specified fees.

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

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

Sec. 49. 20-A MRSA §12713, as enacted by PL 1985, c. 695, §11, is amended to read:

§12713. Administrative council

The administrative council shall be a nonvoting, advisory council, composed of the ~~directors~~ presidents of the ~~institutes~~ colleges 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~~ colleges, courses of study, educational programs, curricula, coordination of programs between the ~~institutes~~ colleges, 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.

Sec. 50. 20-A MRSA §12714, as enacted by PL 1985, c. 695, §11, is amended to read:

§12714. Name and program of the technical colleges

The program of the ~~voational-technical-institutes~~ technical colleges 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~~ colleges shall be:

1. **Central Maine.** Central Maine ~~Voational-Technical-Institute~~ Technical College;

2. **Eastern Maine.** Eastern Maine ~~Voational-Technical-Institute~~ Technical College;

3. **Kennebec Valley.** Kennebec Valley ~~Voational-Technical-Institute~~ Technical College;

4. **Northern Maine.** Northern Maine ~~Voational-Technical-Institute~~ Technical College;

5. **Southern Maine.** Southern Maine ~~Voational-Technical-Institute~~ Technical College; and

6. **Washington County.** Washington County ~~Voational-Technical-Institute~~ Technical College.

Sec. 51. 20-A MRSA §12715, as enacted by PL 1985, c. 695, §11, is amended to read:

§12715. Accreditation

The ~~institutes~~ colleges 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 ~~voational-technical-institutes~~ technical colleges and to meet the requirements necessary to receive federal aid. Whenever feasible and appropriate, programs of study offered by the ~~institutes~~ colleges shall meet the requirements of the corresponding occupations for licensing, certification or registration. As provided in Title 32, ~~institute~~ college 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.

Sec. 52. 20-A MRSA §12716, as enacted by PL 1985, c. 695, §11, is amended to read:

§12716. Financial aid

1. **State scholarships.** The board of trustees shall develop and administer a program of scholarships for ~~institute~~ college 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~~ college 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~~ a college. 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~~ colleges. The board of trustees shall adopt rules governing the giving of loans to ~~institute~~ college 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.

Sec. 53. 20-A MRSA §12717, as enacted by PL 1985, c. 695, §11, is amended to read:

§12717. Instruction Projects Revolving Fund

The board of trustees shall establish and administer an Instructional Projects Revolving Fund to aid instruction at the ~~institutes~~ colleges. 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.

Sec. 54. 20-A MRSA §12718, sub-§§2, 3, 5 and 6, as enacted by PL 1985, c. 695, §11, are amended to read:

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

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

5. Analysis. An analysis of the quality, growth, effectiveness, labor market impact and priority of ~~institute~~ college 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~~ colleges; and

Sec. 55. 22 MRSA §3511, as enacted by PL 1971, c. 88, is amended to read:

§3511. Correctional, mental and certain educational institutions

Sections 3504 to 3511 shall not apply nor authorize the installation of vending facilities in any building wholly used by any correctional or mental institution or by any educational institution of any type supported in whole or in part from public funds, unless such educational institution is of university, college, junior college grade or is a ~~vocational~~ technical ~~institute~~ college.

Sec. 56. 22 MRSA §3775, sub-§§1 and 2, as amended by PL 1985, c. 779, §63, are further amended to read:

1. Services. Encourage the development and ensure coordination of training, education and pre-apprenticeship programs, supportive services and remedial and preparatory programs at the University of Maine System, the ~~vocational-technical-institutes~~ technical colleges, the Apprenticeship and Training Council and other institutions and programs;

2. Placement. Encourage the University of Maine System, the ~~vocational-technical-institutes~~ technical colleges and other institutions and programs to promote opportunities for educational placement for recipients who meet admission requirements: and

Sec. 57. 22 MRSA §3782, sub-§1, as enacted by PL 1987, c. 856, §§7 and 10, is amended to read:

1. Services and support. Services and support shall include those which are provided under chapter 1053, Aid to Dependent Children; chapter 1054, the Job Opportunities Act of 1981; Title 20-A, chapter 315, Adult Education; Title 20-A, chapter 431, Maine ~~Vocational-Technical Institute~~ Technical College System; Title 26, chapter 21, the Displaced Homemakers Act; and Title 26, chapter 25, the Job Training Partnership Act.

Sec. 58. 23 MRSA §1201, sub-§35, as repealed and replaced by PL 1985, c. 506, Pt. A, §46, is amended to read:

35. Southern Maine Technical College. A sign shall be provided by the Southern Maine ~~Vocational-Technical Institute~~ Technical College and installed and maintained by the Maine Turnpike Authority at Exit 7 which will conform with standards established by the Maine Turnpike Authority and shall read as follows:

EXIT FOR:

SOUTHERN MAINE ~~VOCATIONAL-TECHNICAL INSTITUTE~~ TECHNICAL COLLEGE

Sec. 59. 26 MRSA §1005, as amended by PL 1985, c. 695, §12, 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 Board of Trustees of the Maine ~~Vocational-Technical Institute~~ Technical College System. The 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. 60. 26 MRSA §1021, as amended by PL 1985, c. 779, §71, is further amended to read:

§1021. Purpose

It is declared to be the public policy of this State and it is the purpose of this chapter to promote the improvement of the relationship between public employers and their employees by providing a uniform basis for recognizing the right of the University of Maine System employees, Maine Maritime Academy employees and ~~voational-technical institute~~ technical college employees to join labor organizations of their own choosing and to be represented by such organizations in collective bargaining for terms and conditions of employment.

Sec. 61. 26 MRSA §1022, sub-§1-C, as amended by PL 1987, c. 816, Pt. R, is further amended to read:

1-C. Technical college. ~~“Vocational-technical institute”~~ “Technical college” means the Maine state ~~voational-technical institutes~~ technical colleges and their activities and functions supervised by the Board of Trustees of the Maine ~~Vocational-Technical Institute~~ Technical College System or its designee. The employment relations, policies and practices throughout the ~~voational-technical institutes~~ technical colleges 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 ~~voational-technical institutes~~ technical colleges under this chapter and shall coordinate its collective bargaining activities with campuses or units on matters of ~~voational-technical institute~~ technical college 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.

Sec. 62. 26 MRSA §1022, sub-§3, as repealed and replaced by PL 1987, c. 402, Pt. A, §155, is amended to read:

3. Board of Trustees. “Board of Trustees” means the Board of Trustees of the University of Maine System, the Board of Trustees of the Maine Maritime Academy or the Board of Trustees of the Maine ~~Vocational-Technical Institute~~ Technical College System.

Sec. 63. 26 MRSA §1022, sub-§11, as repealed and replaced by PL 1987, c. 402, Pt. A, §156, is amended to read:

11. University, academy or technical college employee. “University, academy or ~~voational-technical institute~~ technical college employee” means any regular employee of the University of Maine System, the Maine Maritime Academy or the Maine ~~Vocational-Technical Institute~~ Technical College System performing services within a campus or unit, except any person:

A. Appointed to office pursuant to law;

B. Appointed by the Board of Trustees as a vice-president, dean, director or member of the chancellor's, superintendent's or Maine ~~Vocational-Technical Institute~~ Technical College 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, the academy or the Maine ~~Vocational-Technical Institute~~ Technical College System; or

D. Employed in ~~his~~ the initial 6 months of employment.

Sec. 64. 26 MRSA §1023, as repealed and replaced by PL 1985, c. 737, Pt. A, §63, is amended to read:

§1023. Right of university, academy or technical college employees to join labor organizations

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

Sec. 65. 26 MRSA §1024-A, sub-§3, as amended by PL 1985, c. 695, §16, is further amended to read:

3. Technical colleges. It is the express legislative intent to foster meaningful collective bargaining for employees of the ~~vocational-technical institutes~~ technical colleges. Therefore, in accordance with this policy, the bargaining units shall be structured with one unit in each of the following occupational groups:

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

Sec. 66. 26 MRSA §1024-A, sub-§5, as repealed and replaced by PL 1985, c. 737, Pt. A, §64, is amended to read:

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

Sec. 67. 26 MRSA §1025, sub-§1, as amended by PL 1985, c. 497, §10 and c. 506, Pt. B, §25, is further amended to read:

1. Voluntary recognition. Any employee organization may file a request with the university, academy or ~~vocational-technical institutes~~ technical colleges alleging that a majority of the university, academy or ~~vocational-technical institute~~ technical college employees in an appropriate bargaining unit as established in section 1024, wish to be represented for the purpose of collective bargaining between the university, academy or ~~vocational-technical institutes~~ technical colleges and the employees' organization. Such request shall describe the grouping of jobs or positions which constitute the unit claimed to be appropriate and shall include a demonstration of majority support. Such request for recognition shall be granted by the university, academy or ~~vocational-technical institutes~~ technical colleges unless the university, academy or ~~vocational-technical institutes~~ technical colleges desire that an election determine whether the organization represents a majority of the members in the bargaining unit. In the event that the request for recognition is granted by the university, academy or ~~vocational-technical institutes~~ technical colleges, the executive director shall certify the organization so recognized as the bargaining agent.

Sec. 68. 26 MRSA §1025, sub-§2, ¶¶A and B, as amended by PL 1985, c. 497, §10 and c. 506, Pt. B, §25, are further amended to read:

A. The executive director of the board, upon signed request of the university, academy or ~~vocational-technical institutes~~ technical college alleging that one or more university, academy or ~~vocational-technical institutes~~ technical college employees or employee organizations have presented to it a claim to be recognized as the representative of a bargaining unit of university, academy or ~~vocational-technical institute~~ technical college employees, or upon signed petition of at least 30% of a bargaining unit of university, academy or ~~vocational-technical institutes~~ technical college employees that they desire to be represented by an organization, shall conduct a secret ballot election to determine whether the organization represents a majority of the members of the bargaining unit.

B. The ballot shall contain the name of such organization and that of any other organization showing written proof of at least 10% representation of the university, academy or ~~vocational-technical institute~~ technical college employees within the unit, together with a choice for any university, academy or ~~vocational-technical institutes~~ technical college employee to designate that ~~he~~ the employee does not desire to be represented by any bargaining agent. Where more than one organization is on the ballot, and no one of the 3 or more choices receives a majority vote of the university, academy or ~~vocational-technical institute~~ technical college employees voting, a run-off election shall be held. The run-off ballot shall contain the 2 choices which received the largest and 2nd largest number of votes. When an organization receives the majority of votes of those voting, the executive director shall certify it as the bargaining agent. The bargaining agent certified as representing a bargaining

unit shall be recognized by the university, academy or ~~vocational-technical institutes~~ technical colleges as the sole and exclusive bargaining agent for all of the employees in the bargaining unit unless and until a decertification election by secret ballot shall be held and the bargaining agent declared by the executive director as not representing a majority of the unit.

Sec. 69. 26 MRSA §1026, sub-§1, as amended by PL 1985, c. 737, Pt. A, §65, is further amended to read:

1. Negotiations. It shall be the obligation of the university, academy, ~~vocational-technical institutes~~ technical colleges or state schools for practical nursing and the bargaining agent to bargain collectively. "Collective bargaining" means, for the purpose of this chapter, their mutual obligation:

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

Cost items in any collective bargaining agreement of ~~vocational-technical institutes~~ technical college employees shall 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 shall be returned to the parties for further bargaining. Cost items shall include salaries, pensions and insurance.

Sec. 70. 26 MRSA §1026, sub-§4, 1C, as repealed and replaced by PL 1985, c. 737, Pt. A, §66, is amended to read:

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

- (1) The interests and welfare of the students and the public and the financial ability of the university, academy or ~~vocational-technical institutes~~ technical 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 ~~vocational-technical institutes~~ technical colleges for qualified employees;

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

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

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

Sec. 71. 26 MRSA §1027, sub-§1, as amended by PL 1985, c. 737, Pt. A, §67, is further amended to read:

1. University, academy and technical colleges; prohibitions. The university, its representatives and agents, the academy, its representatives and agents and the ~~vocational-technical institutes~~ technical 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;

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;

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

D. Discharging or otherwise discriminating against an employee because he the employee has signed or

filed any affidavit, petition or complaint or given any information or testimony under this chapter;

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

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

Sec. 72. 26 MRSA §1027, sub-§2, as amended by PL 1985, c. 497, §14 and c. 506, Pt. B, §29, is further amended to read:

2. University, academy, technical colleges; prohibitions. University employees, university employee organizations, their agents, members and bargaining agents; academy employees, academy employee organizations, their agents, members and bargaining agents; and ~~vocational-technical institute~~ technical college employees, ~~vocational-technical institute~~ technical college employee organizations, their agents, members and bargaining agents are prohibited from:

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

B. Refusing to bargain collectively with the university, academy and ~~vocational-technical institutes~~ technical colleges as required by section 1026; and

C. Engaging in:

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

(2) The blacklisting of the university, academy or ~~vocational-technical institutes~~ technical colleges for the purpose of preventing them from filling employee vacancies.

Sec. 73. 26 MRSA §1029, sub-§1, as amended by PL 1985, c. 497, §15 and c. 506, Pt. B, §30, is further amended to read:

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

Sec. 74. 26 MRSA §1029, sub-§2, as repealed and replaced by PL 1985, c. 737, Pt. A, §68, is amended to read:

2. Complaints. The university, any university employee, any university employee organization, the academy, any academy employee, any academy employee organization, the ~~vocational-technical institutes~~ technical colleges, any ~~vocational-technical institute~~ technical college employee, any ~~vocational-technical institute~~ technical college employee organization, or any bargaining agent which believes that any person, the university, any university employee, any university employee organization, the academy, any academy employee, any academy employee organization, the ~~vocational-technical institutes~~ technical colleges, any ~~vocational-technical institute~~ technical college employee, any ~~vocational-technical institute~~ technical college employee organization or any bargaining agent has engaged in or is engaging in any such prohibited practice may file a complaint with the executive director of the board stating the charges in that regard. No such complaint shall be filed with the executive director until the complaining party shall have served a copy thereof upon the party named in the complaint. Upon receipt of such complaint, the executive director or ~~his~~ a designee shall review the charge to determine whether the facts as alleged may constitute a prohibited act. If it is determined that the facts do not, as a matter of law, constitute a violation, the charge shall be dismissed by the executive director, subject to review by the board. If a formal hearing is deemed necessary by the executive director or by the board, the executive director shall serve upon the parties to the complaint a notice of the prehearing conference and of the hearing for the prehearing conference or the hearing, as appropriate, provided that no hearing shall be held based upon any alleged prohibited practice occurring more than 6 months prior to the filing of the complaint with the executive director. The party complained of shall have the right to file a written answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed for the hearing. In the discretion of the board, any other person or organization may be allowed to intervene in that proceeding and to present testimony. Nothing in this subsection may restrict the right of the board to require the executive director or ~~his~~ a designee to hold a prehearing conference on any prohibited practice complaint prior to the hearing before the board and taking whatever action, including dismissal, attempting to resolve disagreements between the parties or recommending an order to the board, as ~~he~~ the executive director or a designee may deem appropriate, subject to review by the board.

Sec. 75. 26 MRSA §1029, sub-§6, as repealed and replaced by PL 1985, c. 737, Pt. A, §69, is amended to read:

6. Simultaneous injunctive relief. Whenever a complaint is filed with the executive director of the board alleging that the university, academy or ~~vocational-technical institutes~~ technical colleges have violated section 1027, subsection 1, paragraph F, or alleging that an employee, employee organization or bargaining agent of the university, academy or ~~vocational-technical institutes~~ technical colleges have violated section 1027, subsection 2, paragraph C, the party making the complaint may simultaneously seek injunctive relief from the Superior Court in the county in which the

prohibited practice is alleged to have occurred pending the final adjudication of the board with respect to such matter.

Sec. 76. 26 MRSA §1031, as repealed and replaced by PL 1985, c. 737, Pt. A, §70, is amended to read:

§1031. Scope of binding contract arbitration

A collective bargaining agreement between the university, the academy or the ~~vocational-technical institutes~~ technical colleges and a bargaining agent may provide for binding arbitration as the final step of a grievance procedure but the only grievances which may be taken to such binding arbitration shall be disputes between the parties as to the meaning or application of the specific terms of collective bargaining agreement. An arbitrator with the power to make binding decisions pursuant to any such provisions shall have no authority to add to, subtract from or modify the collective bargaining agreement.

Sec. 77. 26 MRSA §1034, sub-§2, as amended by PL 1985, c. 497, §19 and c. 506, Pt. B, §34, is further amended to read:

2. **No restriction on eligibility for federal grant-in-aid or assistance programs.** Nothing in this chapter or any contract negotiated pursuant to this chapter may in any way be interpreted or allowed to restrict or impair the eligibility of the university, any of its campuses or units, academy or ~~vocational-technical institutes~~ technical colleges in obtaining the benefits under any federal grant-in-aid or assistance programs.

Sec. 78. 26 MRSA §1452, as repealed and replaced by PL 1987, c. 769, Pt. A, §107, is amended to read:

§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 the 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, Commissioner of Human Services, Commissioner of Educational and Cultural Services, Commissioner of Economic and Community Development, Director of the State Planning Office and the ~~Chairmen~~ chairs of the Maine Human Resource Development Council, the State Board of Education and the Board of Trustees of the Maine ~~Vocational-Technical Institute~~ Technical College System. The Commissioner of Labor and the Commissioner of Educational and Cultural Services may serve as the representatives of the ~~Chairmen~~ chairs of the Maine Human Resource Development Council and the State Board of Education, respectively, upon the agreement of that designation by the Maine Human Resource Development Council and the State Board of Education. 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. 79. 26 MRSA §2005, sub-§3, ¶B, as enacted by PL 1987, c. 471, §4 and c. 542, Pt. F, §4, is amended to read:

B. Six representatives of state bodies. The Commissioner of Labor, the Commissioner of Human Services, the Commissioner of Educational and Cultural Services and the Director of the State Development Office shall also serve as members. The 2 additional members shall each represent the University of Maine System and the Maine ~~Vocational-Technical Institute~~ Technical College System;

Sec. 80. 26 MRSA §2155, sub-§1, ¶B, as enacted by PL 1987, c. 777, §3, is amended to read:

B. Skill training shall be provided by quality training providers such as the State's ~~vocational-technical institutes~~ technical colleges.

Sec. 81. 30 MRSA §4967, sub-§5, as enacted by PL 1987, c. 766, §10, is amended to read:

5. **Training and certification of code enforcement officers.** In cooperation with the ~~Vocational-Technical Institute~~ Technical College System and the Department of Human Services, the office shall establish a continuing education program for ~~people~~ individuals engaged in code enforcement. This program shall provide basic and advanced training in the technical and legal aspects of code enforcement necessary for certification, including, but not limited to, plumbing inspection, soils and site evaluation, electrical inspection, state and federal environmental requirements, zoning ordinances, court techniques and other enforcement information.

Sec. 82. 32 MRSA §1101, sub-§4-A, as amended by PL 1987, c. 395, Pt. B, §4, is further amended to read:

4-A. **Supervision.** ~~Each One apprentice electrician or one helper electrician may work with and under the supervision of each master electrician, limited electrician or journeyman electrician may have one apprentice electrician or one helper electrician working with him and under his personal supervision.~~ A master electrician, who teaches an electrical course at a Maine regional vocational-technical center, a Maine vocational region or a Maine ~~vocational-technical institute~~ technical college, may have a maximum of 12 helper electricians under his direct supervision while making electrical installations which are a part of the instructional program of the school, provided that the total value of each installation does not exceed \$1,000. No electrical installation may be commenced pursuant to this subsection without the prior approval of the director or president of the school at which the master electrician is an instructor. These installations are limited to those done in buildings or facilities owned or controlled by:

- A. School administrative units;
- B. Nonprofit organizations; and

C. Households as defined in Title 36, section 6103, where the household income as defined in that section is within the limits established for one or 2 member households by Title 36, section 6108, except that if there are more than 2 members in a household, an additional \$500 of household income shall be allowed for each additional member of the household in computing the income limitation and provided that the household is owner-occupied.

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

Sec. 83. 32 MRSA §1202, sub-§1, ¶A, as repealed and replaced by PL 1987, c. 769, Pt. A, §120, is amended to read:

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

(1) Complete 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 satisfactorily complete a program of study comprising 576 hours as approved by the Electricians' Examining Board or from an accredited institution. The 576 hours shall consist of 225 hours of required study, including an approved course of not less than 45 hours in the current National Electrical Code; and 351 hours of elective study, comprised of all trade-related electives or 225 hours of trade-related courses and 135 hours of degree-related courses;

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

(3) Be a graduate of an accredited Maine ~~vocational-technical-institute~~ technical college electrical program, have worked for 4,000 hours in the field of electrical installations under the supervision of a master electrician or the equivalent and have completed a course of not less than 45 hours in the current National Electrical Code, the course to be approved by the board. Persons qualifying under this paragraph may write the jour-

neyman's examination upon graduation if application is made within one year of graduation; or

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

Sec. 84. 32 MRSA §1202, sub-§1, ¶D, as enacted by PL 1987, c. 395, Pt. B, §7, is amended to read:

D. For a journeyman-in-training electricians' license, a person must be a graduate of an accredited Maine ~~vocational-technical-institute~~ technical college electrical program, receive a passing grade on the journeyman examination and complete 2,000 hours of experience. This provision shall be reviewed by the joint standing committee of the Legislature having jurisdiction over business legislation by March 1, 1991, and, unless continued by law, shall terminate at this time.

Sec. 85. 32 MRSA §1202, sub-§2, as amended by PL 1987, c. 735, §55, is further amended to read:

2. **Apprentice or helper.** The board may issue a license upon payment of an annual fee as adopted by the board, not to exceed \$20, to any person who applies therefor, without examination, provided such applicant submits evidence satisfactory to the board that ~~he~~ the applicant has entered the employ of a licensed electrician as an apprentice electrician or to assist ~~him~~ a licensed electrician as an electrician's helper or is a full-time student in an electrical course at a regional vocational-technical center, a Maine vocational region, or a ~~vocational-technical-institute~~ technical college. Any such person employed by an electrician as an apprentice for the purpose of qualifying for any license mentioned in section 1203, or as electrician's helper, shall apply for a license as such immediately after commencing such employment or immediately after starting school in an electrical course.

Sec. 86. 32 MRSA §2261, sub-§1, as amended by PL 1985, c. 819, Pt. A, §§33 and 34, is further amended to read:

1. **Commission established.** There is established a the Commission on Nursing Supply and Educational Accessibility. This commission shall be composed of 15 persons appointed by the Governor, with 2 members representing the general public and 13 members representing respectively the Maine State Nurses' Association, the Maine Council of

Nursing Service Administrators, the Maine Hospital Association, the Maine Society for Hospital Personnel Administrators, the Maine Licensed Practical Nurses' Association, the Maine Community Health Association, the State Board of Nursing, Maine Health Care Association Longterm Care Nursing Council, Consortium United Maine Nurses, public baccalaureate nursing education, private baccalaureate nursing education, ~~Vocational-technical institutes~~ technical colleges and Maine Council of Associate Degree Nursing Programs. All regions of the State must be fairly represented. Appointments shall be for 3-year terms, except that no more than 3 members' terms may expire in any one calendar year and appointments for terms of less than 3 years may be made in order to comply with this limitation.

Sec. 87. 32 MRSA §2261, sub-§3, 1C, as enacted by PL 1985, c. 724, §29, is amended to read:

C. The extent that credits are transferable between ~~vocational-technical institutes~~ technical colleges and the university system and whether full credit for courses will be granted toward a baccalaureate degree;

Sec. 88. 32 MRSA §2311, sub-§7, as repealed and replaced by PL 1985, c. 389, §13, is amended to read:

7. **Journeyman oil burner technician.** "Journeyman oil burner technician" means any person licensed under this chapter to install, clean, service, alter or repair oil burning equipment. A journeyman oil burner technician shall install oil burning equipment only under the supervision of a master oil burner technician licensed under this chapter and shall at all times be under the supervision of, or in the employ of, a master oil burner technician licensed under this chapter. Applicants for a license of this classification shall present evidence ~~satisfactory~~ satisfactory to the board of at least one year's practical experience, or completion of a course at a Maine ~~vocational-technical institute~~ technical college or comparable institute from another state, provided that the course has been approved by the board and the applicant presents evidence of 6 months' practical experience.

Sec. 89. 32 MRSA §3501, sub-§2, 1B, as repealed and replaced by PL 1983, c. 468, §17, is amended to read:

B. A minimum of 2,000 hours of work in the field of plumbing installations as a journeyman-in-training under the supervision of a master plumber, provided that the work experience is obtained within 4 years of the date upon which the applicant was issued ~~his~~ a journeyman-in-training license. A journeyman-in-training license shall be issued upon sworn application therefor to any person who has satisfactorily completed one academic year of instruction in plumbing at a Maine ~~vocational-technical institute~~ technical college and who has obtained a passing grade, as determined by the board on the journeyman's examination. Any person who is enrolled in a course of instruction in plumbing at a Maine vocational-technical institute on July 1, 1983, may be licensed as a journeyman upon successful comple-

tion of that course of instruction and passage of the journeyman's examination.

Sec. 90. 32 MRSA §8105, sub-§7-A, 1D, as amended by PL 1987, c. 602, §2, is further amended to read:

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

- (1) Work experience, including at least 2 years in a nonclerical occupation related to law or the criminal justice system; and
- (2) Educational experience, including at least:
 - (a) Sixty academic credits of post-secondary education acquired at an accredited junior college, college or university; or
 - (b) An associate degree in law enforcement, based on 2 years of post-secondary instruction, conferred by an established ~~vocational-technical institute~~ technical college; and

Sec. 91. Implementation. The costs of implementing the name change provided in this Act for activities such as replacing stationary, forms and brochures and rewording signs shall be phased in as existing supplies are exhausted and as available resources permit. The cost to individual campuses shall be paid from funds available to the campus and the cost to the system office shall be paid from available system office funds.

See title page for effective date.

CHAPTER 444

S.P. 649 - L.D. 1744

An Act Concerning the Public Utilities Commission

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

Whereas, for collective bargaining negotiations to proceed on schedule, the provisions of this legislation need to take effect as soon as possible; 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: