

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2017

CHAPTER 179
S.P. 355 - L.D. 1073

**An Act To Clarify Laws
Regarding Maine's Community
Colleges**

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

Sec. 1. 5 MRSA §18, sub-§1, ¶B, as repealed and replaced by PL 1989, c. 443, §5 and amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

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~~ does 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 community colleges~~ the Maine Community College System;
- (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Sec. 2. 20-A MRSA §12701, sub-§1, as enacted by PL 1985, c. 695, §11, is repealed.

Sec. 3. 20-A MRSA §12701, sub-§4-A is enacted to read:

4-A. Presidents' council. "Presidents' council" means the advisory council of the system as established in section 12713.

Sec. 4. 20-A MRSA §12706, sub-§1, as amended by PL 1989, c. 878, Pt. I, §4 and PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

1. Policies. To develop and adopt policies for the operation of the system, the Maine Community College System Office and the colleges; establish the ~~administrative~~ presidents' council; and approve programs and policies recommended by the president of the system and the ~~administrative~~ presidents' council;

Sec. 5. 20-A MRSA §12706, sub-§9, as enacted by PL 1985, c. 695, §11, is amended to read:

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; except that any such agreement other than an employment agreement that contains the following provisions against the system is void:

A. Any requirement that the system must waive its governmental immunity or limited liability;

B. Any requirement that the system must carry insurance in addition to or in excess of its existing insurance;

C. Any requirement that the system must defend, indemnify or hold harmless any other party;

D. Any requirement that the system must submit to the law of a state other than this State;

E. Any requirement that the system must waive its insurer's rights of subrogation;

F. Any requirement that the system must pay another party's attorney's fees; and

G. Any requirement that the agreement is subject to an automatic renewal other than month to month;

Sec. 6. 20-A MRSA §12706, sub-§13, as amended by PL 2007, c. 67, §3, is further amended to read:

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, and license dormitory rooms for occupancy by students. The purchase and installation of faucets, shower heads, toilets and urinals is subject to Title 5, section 1762-A. ~~If the board of trustees proposes to sell or permanently transfer any interest in real estate, the transaction must be approved by the Legislature before the interest is transferred. Any revenues derived from these uses are to be credited to a separate fund to be used for the purposes of this chapter. Notwithstanding any other provision of law, the board of trustees may grant or otherwise transfer utility easements without legislative approval;~~

Sec. 7. 20-A MRSA §12706, sub-§14, as enacted by PL 1985, c. 695, §11, is amended to read:

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

and promote the regular use of facility master planning in order to coordinate efficient long-term facilities planning;

Sec. 8. 20-A MRSA §12706, sub-§15, as enacted by PL 1985, c. 695, §11, is amended to read:

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; and to encourage the development of innovative delivery methods, course schedules, student support services and prior learning assessments that help expand access to both credit and noncredit programming;

Sec. 9. 20-A MRSA §12706, sub-§19, as amended by PL 2001, c. 590, §2 and by PL 2003, c. 20, Pt. OO, §2 and affected by §4 and amended by PL 2005, c. 397, Pt. D, §3, is further amended to read:

19. Advisory committees. To appoint or identify advisory committees to advise the board of trustees with respect to career and technical education and training policies and programs, to procedures for modifying the programs of the colleges to meet the needs of the State's economy and the changing job market and to the efficient operation of the colleges and the Maine Community 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; ~~and~~

Sec. 10. 20-A MRSA §12706, sub-§20, as enacted by PL 2001, c. 590, §3, is amended to read:

20. Debt. To borrow funds, issue bonds and negotiate notes and other evidences of indebtedness or obligations of the system for renovation, public improvements, land acquisition and construction purposes to pay for costs as defined in Title 22, section 2053, subsection 3. The board of trustees may issue temporary notes and renewal notes to pay for those costs. Bonds, notes or other evidences of indebtedness or obligations of the system are legal obligations of the system on behalf of the State and are payable solely from the system's revenues and other sources of funds, including funds obtained pursuant to Title 22, section 2053, subsection 4-B, paragraph A. These borrowings by the system do not constitute debts or liabilities of, and are not includable in, any debt obligation of the State. The board of trustees has the discretion to fix

the date, maturities, denomination, interest rate, place of payment, form and other details of the bonds or notes of the system. Unless otherwise provided in the vote authorizing their issuance, bonds or notes of the system must be signed by the president of the system and countersigned by the chair of the board of trustees. The aggregate principal amount of outstanding bonds, notes or other evidences of indebtedness of the system may not exceed \$35,000,000 at any one time, excluding temporary notes and renewal notes. The bonds may be issued through the Maine Health and Higher Education Facilities Authority. The board of trustees may pledge or assign its revenues, including any funds that have been or may be appropriated to the system, and the proceeds of those revenues and its other property as security toward its bonds, notes, other evidences of indebtedness or other obligations of the system. The proceeds of bonds, notes or other evidences of indebtedness may be invested in accordance with subsection 8. Bonds, notes and other evidences of indebtedness issued under this subsection are not debts of the State, nor a pledge of the credit of the State, but are payable solely from the funds of the system. Indebtedness incurred and evidences of indebtedness issued under this chapter constitute a proper public purpose, and all income derived is exempt from taxation in the State. The net earnings of the system may not inure to the benefit of any private person, and no borrowing may be effected pursuant to this chapter unless the amount of the borrowing and the project or projects are submitted to the Office of Fiscal and Program Review for review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs at least 60 days before closing on such borrowing for the project or projects is to be initiated; ~~and~~

Sec. 11. 20-A MRSA §12706, sub-§21 is enacted to read:

21. Campus security. To support the development of campus security plans and policy, including the assessment of how persons qualified and designated by law enforcement or system policy may exercise the powers of Title 17-A, sections 107 and 108.

Sec. 12. 20-A MRSA §12709, sub-§1, as amended by PL 1991, c. 376, §38, is further amended to read:

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

Sec. 13. 20-A MRSA §12709, sub-§9, as enacted by PL 1985, c. 695, §11, is amended to read:

9. Long-range planning and research. In cooperation with the administrative presidents' 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;

Sec. 14. 20-A MRSA §12713, as amended by PL 1989, c. 878, Pt. I, §11, is further amended to read:

§12713. Presidents' council

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

Sec. 15. 20-A MRSA §12716, sub-§1, as amended by PL 1989, c. 443, §52, is further amended to read:

1. Scholarships and campus employment. The board of trustees shall develop and administer a ~~program~~ programs of scholarships and campus employment for college students. ~~Awards shall~~ Scholarships must be based on evidence of individual need and worth.

Students selected to receive a scholarship ~~shall or~~ campus employment must 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, technical or trade pursuit;

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

C. ~~Show~~ For scholarship recipients, show demonstrated need of financial assistance to help pay the cost of college attendance or, in the case of on-campus employment programs, demonstrate the ability to benefit from the increased engagement that such programs provide.

Sec. 16. 20-A MRSA §12722, sub-§9 is enacted to read:

9. Hardship distributions. The board of trustees may make hardship distributions from any of the accumulated assets in a defined contribution retirement

plan account or accounts in accordance with federal regulations.

See title page for effective date.

CHAPTER 180

H.P. 697 - L.D. 996

An Act To Maintain the Current Number of Appointees to the Maine Arts Commission

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

Sec. 1. 27 MRSA §401, as corrected by RR 2011, c. 2, §34, is amended to read:

§401. Commission

A state commission, to be known as the "Maine Arts Commission," as established by Title 5, section 12004-G, subsection 7-B, must consist of not ~~less~~ more than 15 ~~or more than 21~~ members, each of whom must have a continuing interest in the fields of art and culture in the State, to be appointed by the Governor from among citizens of Maine. In making such appointments, due consideration must be given to the recommendations made by representative civic, educational and professional associations and groups concerned with or engaged in artistic and cultural fields generally.

See title page for effective date.

CHAPTER 181

H.P. 620 - L.D. 871

An Act To Require Disclosures Relating to the Sale of Residential Property Accessible by a Public Way and Any Means Other than a Public Way

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

Sec. 1. 33 MRSA §173, sub-§4, ¶D, as enacted by PL 1999, c. 476, §1, is amended to read:

D. Underground oil storage tanks as required under Title 38, section 563, subsection 6; ~~and~~

Sec. 2. 33 MRSA §173, sub-§5, as enacted by PL 1999, c. 476, §1, is amended to read:

5. Known defects. Any known defects; ~~and~~

Sec. 3. 33 MRSA §173, sub-§6 is enacted to read: