

MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
STATE GOVERNMENT
BILL SUMMARY



JULY, 1985

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ONE HUNDRED AND TWELFTH LEGISLATURE
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BILL SUMMARIES
JULY 1985

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature, covering the First Regular Session of the 112th Legislature. The summaries are arranged by LD number and indexed separately by committee.

LD 1574, the new draft removes the master licensing proposal and retains the provisions for a directory of business licenses and permits that is part of the original bill. According to this new draft, the Director of the State Development Office is required to update and publish annually a directory of licenses and permits required for new and expanding businesses. The directory would show the licenses and permits issued by each agency, and the licenses and permits required of various types of business enterprise and business activities. All state agencies are required to cooperate with the Director of the State Development Office and provide the director with the necessary information.

LD: 1597 AN ACT TO ABOLISH THE OFFICE OF ENERGY RESOURCES ARMSTRONG WEBSTER M JACKSON BAKER A

HOUSE Other
SENATE -
GOV

SUMMARY:

Please refer to LD 882, the original bill.

LD: 1639 AN ACT TO ESTABLISH THE MAINE VOCATIONAL-TECHNICAL INSTITUTES ADMINISTRATION CROWLEY JACQUES PERKINS ANDREWS
ND: 196

HOUSE Veto Overriden
SENATE Veto Sustained
GOV VETO

S-206 SA DANTON H S
S-220 SB KANY H S

SUMMARY:

LD 196, the original bill, proposed to establish a new department entitled the Department of Post-Secondary Vocational-Technical Education. Currently, vocational-technical education is a bureau within the Department of Education and Cultural Services.

The new department, unlike most other state government departments, would be administered by a 7 member board of trustees and a commissioner. Two (2) of the members of the board would represent education, 3 members would to represent business, 1 would to represent labor, and 1 would to represent health services. The Commissioner would serve as the chief executive officer of the department. He would be advised by another 7 member administrative board consisting of the Commissioner and the 6 presidents of the vocational technical institutes.

According to the bill, the commissioner would be empowered to:

- A. appoint the presidents of the 6 institutes with approval of the board of trustees,
- B. promote coordination and communication between the vocational technical department and the Department of Education and the University of Maine and
- C. appoint deans, with the approval of the Board of Trustees, to each vocational technical institute.

The Board of Trustees is designated as the policy-making body and the "overseer" of the administration of the department. In addition, this board is empowered to adopt rules.

The current vocational-technical system has a fragmented policy making/authority and administrative/implementation organization. The State Board of Education has, by statute, authority over the institutes. The Commissioner of Education, thru the Bureau of Vocational Education, however, is the administrative arm. The Department of Education, however is not responsible to the State Board of Education with respect to administration of the vocational technical institutes. The Commissioner or the Bureau of Vocational Education may pursue a course that conflicts with policies of the State Board of Education and over which the State Board has no control.

Following a thorough evaluation of the administration and operation of the vocational technical institutes the Committee found that:

1. the State Board of Education has a very significant workload relating strictly to kindergarten through 12th grade and cannot focus all its efforts on the vocational institutes,
2. the vocational technical institutes require considerably more attention particularly with respect to their role in economic development efforts of the state,
3. In more than 60% of the States, the vocational, technical institutes are under the direction of a board of trustees separate from a State Board of Education and from a Department of Education,
4. the vocational technical institutes suffer from a lack of flexibility with respect to the Personnel Department which prevents the institutes from responding quickly to requests for new programs and technology courses,

5. the inability of the governing organization to allocate and transfer funds is a serious impediment to the operation of the institutes, and

6. the inability of the institutes to collect and retain tuition fees, room and board charges, etc. does not inspire the institutes to operate as efficiently as it may be possible.

As a result, LD 1639, the new draft of LD 196 was sent to the floor.

This new draft established a Maine Vocational-technical Institutes Administration with the powers and privileges of an independent agency. The purpose for establishing the Maine Vocational-technical Institutes Administration was to provide the vocational-technical institutes with the flexibility required to respond to the changing needs of the State's economy and to the needs of the students at the institutes.

The Maine Vocational-technical Institutes Administration has a 9-voting member policy-making board and 3 ex officio nonvoting members. The board approves the appointments of the directors of the vocational-technical institutes made by the executive director, establishes policies for the operation and administration of the Maine Vocational-technical Institutes Administration and has the authority to allocate funds and personnel as required to meet the demands on the institutes.

The executive director is responsible for administering the Maine Vocational-technical Institutes Administration, including the institutes. The executive director may delegate duties and responsibilities, many of which will be delegated to the directors of the institutes with respect to the administration of the institutes. The executive director is also responsible for coordinating education and training programs of the Maine Vocational-technical Institutes Administration with the University of Maine, the Department of Educational and Cultural Services and among the institutes. In addition, the executive director is required to work closely with the private sector to enable the institutes to respond expeditiously to the needs of the private sector.

The directors of each institute are responsible for administering the institutes under the direction of the executive director. The directors are authorized to appoint local advisory boards as they presently are authorized in order to ensure that the population in the area of each institute has the opportunity to provide suggestions and other assistance to each institute.

The bill passed both houses of the Legislature, but was vetoed by the Governor. The House overrode the veto, but the Senate 17-17 vote sustained the veto.

The vocational technical institutes, however, will operate under a new structure enacted by LD 1645 commencing on July 1, 1986.

LD 1645, as amended by Senate Amendment "D" to House Amendment "B," establishes a policy making board of trustees, separate and independent from the State Board of Education, as the governing board of the vocational technical institutes. The board consists of 9 voting and 2 non-voting members appointed by the Governor as described as follows:

- A. Two from the field of business and industry;
- B. One from the field of labor;
- C. Four from the State Board of Education;
- D. One from the Board of Trustees of the University of Maine;
- E. One person from the general public who has demonstrated great interest in vocational education;
- F. The Commissioner of Educational and cultural Services, who shall serve as an ex officio, non-voting member; and
- G. The Director of the State Development Office who shall serve as an ex officio, nonvoting member.

The members of the board of trustees are appointed to 4 year terms of office.

The Board of Trustees is responsible for establishing policies for the administration of the institutes as well as for over-all administration. The Board is empowered to establish a budget; receive and accept loans, aid, or contributions; and approve programs and policies. The board is responsible for providing programs that meet the needs of the private sector.

The administrator is the Commissioner of Education who appoints the directors of the vocational technical institutes. The directors serve at the pleasure of the board. The Commissioner provides oversight with respect to the administration and operation of the institutes. Nevertheless, the directors are responsible for the day-to-day operation of the institutes and may appoint assistant directors to serve at the pleasure of the directors.

The commissioner is responsible for assisting in the preparation of a budget to be submitted by the board of trustees to the Governor and Legislature. In addition, the commissioner is responsible for promoting cooperation and coordination among the institutes and between the institutes and other educational institutions. The commissioner of education is also responsible for the coordination of the vocational institutes with the private sector, long range planning, research, and working with other state agencies.

The issues of greater flexibility in the transfer of personnel and the creation/abolition of VTI programs as well as board authority to allocate and transfer funds from a lump sum appropriation to the institutes will be studied by a special committee to include one representative each from the joint standing committees on State Government, Education, and appropriations and financial affairs.

The special study committee will report its recommendations and enabling legislation to the Governor who will submit the proposed legislation with any Gubernatorial changes to the Second Regular Session of the Legislature no later than February 1, 1986.

LD:	1660	AN ACT TO FUND AND IMPLEMENT CERTAIN	COTE
EMERGENCY		COLLECTIVE BARGAINING AGREEMENTS	TAMMARO
			GAUUREAU
		HOUSE Emerg. Enacted	
		SENATE Emerg. Enacted	
		GOV-Action	

SUMMARY:

LD 1660 appropriated roughly \$60,000 to implement a collective bargaining agreement between the State Board of Education and the vocational technical institutes administrators bargaining unit.

TP/elk/3010