

CHAPTER 431

MAINE COMMUNITY COLLEGE SYSTEM

§12701. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1985, c. 695, §11 (NEW).]

1. Administrative council.

[PL 2017, c. 179, §2 (RP).]

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

[PL 1985, c. 695, §11 (NEW).]

3. President. "President" means the president of a community college.

[PL 1989, c. 443, §32 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

4. President of the system. "President of the system" means the President of the Maine Community College System.

[PL 1989, c. 878, Pt. I, §1 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

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

[PL 2017, c. 179, §3 (NEW).]

5. College. "College" means a community college as established in section 12714.

[PL 1989, c. 443, §32 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

6. System. "System" means the Maine Community College System.

[PL 1989, c. 443, §32 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

7. Maine Community College System Office. "Maine Community College System Office" means the office of the president of the system, together with the offices of supporting staff, as established in section 12710.

[PL 1989, c. 878, Pt. I, §2 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

SECTION HISTORY

PL 1985, c. 695, §11 (NEW). PL 1987, c. 532, §1 (AMD). PL 1989, c. 443, §§32,33 (AMD). PL 1989, c. 878, §§1,2 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2017, c. 179, §§2, 3 (AMD).

§12702. System established

There is established the Maine Community 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 Community College Support Office and the community colleges. [PL 1989, c. 443, §34 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

SECTION HISTORY

PL 1985, c. 695, §11 (NEW). PL 1989, c. 443, §34 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF).

§12703. Mission and goals

The basic mission of the Maine Community College System is to provide associate degree, diploma and certificate programs directed at the educational, career and technical needs of the State's citizens and the workforce needs of the State's employers. [PL 2011, c. 679, §23 (AMD).]

The primary goals of postsecondary career and technical education and the Maine Community College System are to create an educated, skilled and adaptable labor force that is responsive to the changing needs of the economy of the State and to promote local, regional and statewide economic development. [PL 2011, c. 679, §23 (AMD).]

SECTION HISTORY

PL 1985, c. 695, §11 (NEW). PL 1989, c. 443, §35 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2011, c. 679, §23 (AMD).

§12704. Tasks

The tasks of the system shall include, but not be limited to: [PL 1985, c. 695, §11 (NEW).]

1. Long-term and short-term training. Providing, in close cooperation with the private sector, both the long-term education and training required for certain career and technical occupations, including occupational health and safety aspects of those occupations, and the short-term training necessary to meet specific private sector and economic development needs; [PL 2011, c. 679, §24 (AMD).]

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

A. The college and university programs offered by the several other institutions of higher learning in the State; [PL 1985, c. 695, §11 (NEW).]

B. The adult, continuing and community education programs overseen by the Department of Education, Division of Adult and Community Education, or its successor; [PL 1989, c. 700, Pt. A, §66 (AMD).]

C. The secondary occupational and career and technical education programs overseen by the Department of Education, Division of Career and Technical Education, or its successor; [PL 1991, c. 716, §§3, 6 (AMD); PL 2003, c. 545, §§3, 6 (REV).]

D. The employment and training programs funded under the federal Workforce Innovation and Opportunity Act, Public Law 113-128, or its successor, and overseen by the Department of Labor, Bureau of Employment Services, or its successor; and [PL 2017, c. 110, §6 (AMD).]

E. The economic development programs overseen by the Department of Economic and Community Development, or its successor, and other economic development programs and agencies throughout the State; [PL 1987, c. 534, Pt. B, §§11, 23 (AMD).]

[PL 2017, c. 110, §6 (AMD).]

3. Job skills and flexibility. Providing each 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; [PL 1989, c. 443, §36 (AMD).]

4. General and related education. Offering each college student a general education designed to complement specific career 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;

[PL 2011, c. 679, §25 (AMD).]

5. Adult training and retraining. Providing supplementary education programs designed to upgrade the skills of persons already employed or retrain persons for new employment opportunities; [PL 1985, c. 695, §11 (NEW).]

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

[PL 1985, c. 695, §11 (NEW).]

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

[PL 1985, c. 695, §11 (NEW); PL 1997, c. 530, Pt. A, §34 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

PL 1985, c. 695, §11 (NEW). PL 1987, c. 534, §§B11,B23 (AMD). PL 1989, c. 443, §36 (AMD). PL 1989, c. 700, §A66 (AMD). PL 1991, c. 615, §A1 (AMD). PL 1991, c. 716, §§3,6 (AMD). PL 1995, c. 560, §G5 (AMD). PL 1995, c. 560, §G29 (AFF). PL 1997, c. 530, §A34 (AMD). RR 2003, c. 2, §69 (COR). PL 2003, c. 114, §3 (AMD). PL 2003, c. 545, §§3,6 (REV). PL 2003, c. 689, §B6 (REV). PL 2011, c. 679, §§24, 25 (AMD). PL 2017, c. 110, §6 (AMD).

§12705. Board of trustees

The board of trustees is the policy-making authority of the system. [PL 1991, c. 140, §1 (AMD).]

1. Membership. The board of trustees consists of 13 appointed voting members, one ex officio voting member and 1 ex officio, nonvoting member as follows:

A. [PL 1991, c. 140, §2 (RP).]

B. [PL 1991, c. 140, §2 (RP).]

C. Twelve from the field of business and industry, the field of labor, the field of education and the general public; [PL 1993, c. 111, §1 (AMD).]

D. The Commissioner of Education, or the commissioner's successor, who serves as an ex officio voting member; [PL 1995, c. 688, §11 (AMD).]

E. [PL 2005, c. 425, §25 (RP).]

F. The Commissioner of Labor, or the commissioner's successor, who serves as an ex officio nonvoting member; and [PL 1995, c. 688, §11 (AMD).]

G. One member who is from the student body of one of the community college campuses at the time of appointment and who is a permanent resident of the State. To be eligible for appointment as a student member, a student must be enrolled for a minimum of 12 credit hours per semester.

The student member is a full voting member of the board of trustees and serves for a 2-year term and until a successor is qualified. By January 1st of every 2nd year, the president of the system shall solicit a list of 6 eligible students from the student governments from 6 of the campuses within the Maine Community College System, the 7th campus being excluded in accordance with this

subsection. The Governor shall then nominate a student trustee chosen from the list within 30 days of receiving the list of names. The nomination is subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Legislature. The student trustee may not come from the same campus in any 2 consecutive terms. In the event that the student trustee transfers from one campus to another during the student's term of appointment, the student's original campus of enrollment is the campus excluded when the next student trustee is appointed. [PL 1995, c. 688, §11 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

[PL 2005, c. 425, §25 (AMD).]

2. Appointment; terms. Members of the board of trustees are appointed by the Governor to 4-year terms of office, subject to review by the joint standing committee of the Legislature having jurisdiction over education and to confirmation by the Legislature. In appointing members to the board, the Governor shall give proper consideration to achieving statewide geographical representation and gender equity. No classified or unclassified employee of the State or person who holds elected state office may serve on the board of trustees, with the exception of the ex officio members.

[PL 1991, c. 140, §3 (AMD).]

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

[PL 1985, c. 695, §11 (NEW).]

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

[PL 1985, c. 695, §11 (NEW).]

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

[PL 1985, c. 695, §11 (NEW).]

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

[PL 1991, c. 376, §32 (AMD).]

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

[PL 1995, c. 688, §12 (AMD).]

8. Secretary. The president of the system shall serve as the secretary of the board of trustees.

[PL 1989, c. 878, Pt. I, §3 (AMD).]

SECTION HISTORY

PL 1985, c. 695, §11 (NEW). PL 1987, c. 402, §A126 (AMD). PL 1987, c. 532, §2 (AMD). PL 1987, c. 534, §§B12,B23 (AMD). PL 1987, c. 693 (AMD). PL 1987, c. 769, §A63 (AMD). PL 1989, c. 502, §A62 (AMD). PL 1989, c. 700, §A67 (AMD). PL 1989, c. 878, §I3 (AMD). PL 1991, c. 20, §1 (AMD). PL 1991, c. 20, §2 (AFF). PL 1991, c. 140, §§1-3 (AMD). PL 1991, c. 376, §32 (AMD). PL 1993, c. 111, §1 (AMD). PL 1995, c. 688, §§11,12 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2005, c. 425, §25 (AMD).

§12706. Powers and duties of the board of trustees

The powers and duties of the board of trustees shall include the following: [PL 1985, c. 695, §11 (NEW).]

1. Policies. To develop and adopt policies for the operation of the system, the Maine Community College System Office and the colleges; establish the presidents' council; and approve programs and policies recommended by the president of the system and the presidents' council;
[PL 2017, c. 179, §4 (AMD).]

2. Administration. To oversee the administration of the system;
[PL 1985, c. 695, §11 (NEW).]

3. Bylaws and seal. To develop and adopt bylaws for the regulation of its affairs and the conduct of its business and develop and adopt an official seal and alter it as necessary or convenient;
[PL 1985, c. 695, §11 (NEW).]

4. Budget development. To prepare and adopt a biennial, line-category, operating budget for presentation to the Governor and the Legislature, incorporating all projected expenditures and all resources expected or proposed to be made available to fund the operations of the system. The budget is to be used in support of any requests to the Legislature for General Fund appropriations that the board of trustees may deem appropriate and necessary to supplement other resources available to the system and shall also serve as the foundation for an annual fiscal management plan for the system;
[PL 1985, c. 695, §11 (NEW).]

4-A. Public improvements budgetary submission. To prepare and adopt a biennial capital improvements budget for presentation to the Governor and the Legislature, incorporating all projected expenditures and all resources expected or proposed to be made available to fund public improvements, as defined by Title 5, section 1741, for the system. In accordance with Title 5, section 1742-C, subsection 3, the system's public improvements budget must be developed with the advice and assistance of the Bureau of General Services and must represent the capital improvement priorities within the system;
[PL 2013, c. 368, Pt. R, §4 (AMD).]

5. Fiscal management. To receive, expend, allocate and transfer funds within the system, as necessary to fulfill the purposes of this chapter, in accordance with the biennial, line-category, operating budget;
[PL 1991, c. 376, §34 (AMD).]

6. Loans and grants. To receive and accept, from any source, loans, aid or contributions of money, property, labor or other things of value to be held, used or applied to carry out the purposes of this chapter, subject to the conditions upon which the loans, grants and contributions may be made, including, but not limited to, loans, grants or gifts from any federal agency or governmental subdivision or the State and its agencies;
[PL 1985, c. 695, §11 (NEW).]

7. Fees and charges. To establish and collect room and board fees and tuition and to set policies relating to other charges, including fees for the reasonable use of the colleges' facilities by others, as determined necessary by the board of trustees for the efficient administration of this chapter, to be credited to a separate fund and used for the purposes of this chapter;
[PL 1991, c. 376, §35 (AMD).]

8. Investments. Except as otherwise provided in this chapter, to invest any funds not needed for immediate use, including any funds held in reserve, in property and securities in which fiduciaries in the State may legally invest funds;
[PL 1985, c. 695, §11 (NEW).]

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 in any such agreement other than an employment agreement the following provisions against the system are void:

A. Any requirement that the system must waive its governmental immunity or limited liability; [PL 2017, c. 179, §5 (NEW).]

B. Any requirement that the system must carry insurance in addition to or in excess of its existing insurance; [PL 2017, c. 179, §5 (NEW).]

C. Any requirement that the system must defend, indemnify or hold harmless any other party; [PL 2017, c. 179, §5 (NEW).]

D. Any requirement that the system must submit to the law of a state other than this State; [PL 2017, c. 179, §5 (NEW).]

E. Any requirement that the system must waive its insurer's rights of subrogation; [PL 2017, c. 179, §5 (NEW).]

F. Any requirement that the system must pay another party's attorney's fees; and [PL 2017, c. 179, §5 (NEW).]

G. Any requirement that the agreement is subject to an automatic renewal other than month to month; [PL 2017, c. 179, §5 (NEW).]

[PL 2017, c. 288, Pt. C, §2 (AMD); PL 2017, c. 288, Pt. C, §4 (AFF).]

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 president of the system, either in hand or by leaving a copy of the process at the Maine Community College System Office; [PL 1989, c. 878, Pt. I, §5 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

11. Personnel policies. To develop and adopt personnel policies and procedures for the system. The board of trustees, subject to applicable collective bargaining agreements, shall determine the qualifications, duties and compensation of its employees and shall allocate and transfer personnel within the system as necessary to fulfill the purposes of this chapter. The board of trustees shall appoint the president of the system and the presidents of the colleges. The provisions of the Civil Service Law, as defined by Title 5, section 7039, do not apply to the system, except that the same protections for personnel records provided in Title 5, section 7070 to state employees apply to the personnel records of system employees; [PL 2007, c. 67, §2 (AMD).]

12. Purchasing. To acquire consumable supplies, materials and incidental services, through cash purchase, sole-source purchase orders, bids or contract, as necessary or convenient to fulfill the purposes of this chapter; [PL 1985, c. 695, §11 (NEW).]

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; [PL 2017, c. 179, §6 (AMD).]

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; [PL 2017, c. 179, §7 (AMD).]

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; 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;

[PL 2017, c. 179, §8 (AMD).]

16. Employment training coordination.

[PL 1991, c. 376, §37 (RP).]

17. Apprenticeship education.

[PL 1997, c. 522, §1 (RP).]

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

[PL 2001, c. 590, §1 (AMD).]

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;

[PL 2017, c. 179, §9 (AMD).]

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

[PL 2017, c. 179, §10 (AMD).]

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.

[PL 2017, c. 179, §11 (NEW).]

SECTION HISTORY

PL 1985, c. 695, §11 (NEW). PL 1987, c. 402, §A127 (AMD). PL 1987, c. 532, §3 (AMD). PL 1989, c. 443, §§37-39 (AMD). PL 1989, c. 761 (AMD). PL 1989, c. 878, §§14-6 (AMD). PL 1991, c. 246, §10 (AMD). PL 1991, c. 376, §§33-37 (AMD). PL 1995, c. 96, §1 (AMD). PL 1997, c. 522, §1 (AMD). PL 2001, c. 590, §§1-3 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2005, c. 397, §D3 (REV). PL 2007, c. 67, §§2, 3 (AMD). PL 2011, c. 691, Pt. B, §20 (AMD). PL 2013, c. 368, Pt. R, §4 (AMD). PL 2017, c. 179, §§4-11 (AMD). PL 2017, c. 288, Pt. C, §2 (AMD). PL 2017, c. 288, Pt. C, §4 (AFF).

§12707. Occupational information

(REPEALED)

SECTION HISTORY

PL 1985, c. 695, §11 (NEW). PL 1989, c. 443, §40 (AMD). PL 1991, c. 716, §7 (AMD). PL 1997, c. 410, §4 (RP).

§12708. President of the community college system

The board of trustees shall appoint the president of the system who must be qualified by education and experience and shall serve at the pleasure of the board of trustees. [PL 1989, c. 878, Pt. I, §7 (AMD).]

SECTION HISTORY

PL 1985, c. 695, §11 (NEW). PL 1989, c. 878, §17 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF).

§12709. Powers and duties of the President of the community college system

The president of the system shall implement the policies of the board of trustees and be responsible for the operation of the system. The powers and duties of the president of the system include: [PL 1989, c. 878, Pt. I, §8 (AMD).]

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 presidents' council to develop these policies and goals;

[PL 2017, c. 179, §12 (AMD).]

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

[PL 1989, c. 443, §42 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

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

[PL 1989, c. 443, §43 (AMD).]

4. Staff oversight. To oversee the staff of the Maine Community College System Office and the presidents of the colleges;

[PL 1989, c. 443, §44 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

5. Personnel evaluation. Under policies and standards developed by the board of trustees, to evaluate the performance of the Maine Community College System Office staff and of the presidents of the colleges and to make personnel recommendations to the board of trustees;

[PL 1989, c. 443, §44 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

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

[PL 1985, c. 695, §11 (NEW); PL 2005, c. 397, Pt. D, §3 (REV).]

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

[PL 1985, c. 695, §11 (NEW).]

8. Accounting system and procedures. To provide for an accounting system and procedures that reflect and identify all appropriations, allocations, income and revenues and all expenditures of each college and the Maine Community College System Office;

[PL 1989, c. 878, Pt. I, §8 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

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

[PL 2017, c. 179, §13 (AMD).]

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

[PL 1989, c. 443, §45 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

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

[PL 1995, c. 560, Pt. G, §6 (AMD); PL 1995, c. 560, Pt. G, §29 (AFF).]

11-A. Memorandum of understanding with career and technical education system. To enter into a memorandum of understanding with the Department of Education that establishes a process by which the Maine Community College System will review programs of the career and technical education centers and career and technical education regions established in chapter 313 that are using national industry or state certification standards to determine the nature and amount of college credit that must be awarded upon successful completion of an approved secondary school program. College credits must be awarded upon completion of a program directly to the student regardless of whether the student has matriculated in the college awarding the credit. The awarding of college credits to a secondary career and technical education student does not entitle the student to acceptance into the community college awarding the credits.

[PL 2011, c. 686, §5 (NEW).]

12. Coordination with the public sector. To work closely with other state and local agencies that have an impact upon career and technical education, to promote consistent and coordinated policies, procedures and programs; [PL 1985, c. 695, §11 (NEW); PL 2005, c. 397, Pt. D, §3 (REV).]

13. Coordination with the private sector. To work closely with the private sector in order to ensure that the 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; [PL 1989, c. 443, §45 (AMD).]

14. Delegated duties. To undertake other duties as delegated by the board of trustees; [PL 1985, c. 695, §11 (NEW).]

15. Delegate responsibility. To delegate duties and responsibilities as necessary to administer this chapter; and [PL 1985, c. 695, §11 (NEW).]

16. Fulfillment of mission and goals. To implement the mission and goals set forth in section 12703. [PL 1987, c. 695, §11 (NEW).]

SECTION HISTORY

PL 1985, c. 695, §11 (NEW). PL 1987, c. 402, §A128 (AMD). PL 1987, c. 532, §4 (AMD). PL 1989, c. 443, §§41-45 (AMD). PL 1989, c. 700, §A68 (AMD). PL 1989, c. 878, §18 (AMD). PL 1991, c. 376, §38 (AMD). PL 1995, c. 560, §G6 (AMD). PL 1995, c. 560, §G29 (AFF). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2005, c. 397, §D3 (REV). PL 2011, c. 686, §5 (AMD). PL 2017, c. 179, §§12, 13 (AMD).

§12710. Maine Community College System Office

The Maine Community College System Office shall implement the policies of the board of trustees and shall provide staff and technical assistance to each college and state-level coordination and leadership to the system. [PL 1989, c. 443, §46 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

SECTION HISTORY

PL 1985, c. 695, §11 (NEW). PL 1987, c. 532, §5 (AMD). PL 1989, c. 443, §46 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF).

§12711. Presidents of the colleges

The president of the system shall nominate the presidents for appointment by the board of trustees. The presidents must be qualified by education and experience and shall serve at the pleasure of the board of trustees. [PL 1989, c. 443, §47 (AMD); PL 1989, c. 878, Pt. I, §9 (AMD).]

SECTION HISTORY

PL 1985, c. 695, §11 (NEW). PL 1989, c. 443, §47 (AMD). PL 1989, c. 878, §19 (AMD).

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

The presidents shall implement the policies of the board of trustees and be responsible for the day-to-day operation of the colleges. The powers and duties of the presidents shall include the following. [PL 1989, c. 443, §48 (AMD).]

1. Administration of the colleges. The presidents are responsible for the administration of the colleges. The presidents shall cooperate to provide career and technical education and training that best meets the needs of students, the private sector and the changing economy of the State. The presidents

shall administer the colleges in a manner consistent with the mission and goals set forth in section 12703.

[RR 2003, c. 2, §70 (COR).]

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

[PL 1991, c. 376, §39 (AMD).]

3. Nomination of vice-presidents.

[PL 1991, c. 376, §40 (RP).]

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

[PL 1989, c. 443, §48 (AMD).]

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

[PL 1989, c. 443, §48 (AMD); PL 1989, c. 878, Pt. I, §10 (AMD).]

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

[PL 1989, c. 443, §48 (AMD); PL 1989, c. 878, Pt. I, §10 (AMD).]

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

A. Each 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 college. These rules may include special provisions for employees of the system and college students. A president's rule has the same force and effect as a municipal ordinance. District courts may impose governing penalties and fines, and a college may impose appropriate discipline, for each violation of these rules. [PL 2007, c. 67, §4 (AMD).]

B. Each president 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. [PL 1991, c. 376, §41 (AMD).]

[PL 2007, c. 67, §4 (AMD).]

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

[PL 1989, c. 443, §48 (AMD).]

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

[PL 1989, c. 443, §48 (AMD); PL 1989, c. 878, Pt. I, §10 (AMD).]

SECTION HISTORY

PL 1985, c. 695, §11 (NEW). PL 1987, c. 737, §§C56,C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1989, c. 443, §48 (AMD). PL

1989, c. 878, §110 (AMD). PL 1991, c. 376, §§39-41 (AMD). PL 1991, c. 716, §7 (AMD). RR 2003, c. 2, §70 (COR). PL 2007, c. 67, §4 (AMD).

§12713. Presidents' council

The presidents' council 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 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. [PL 2017, c. 179, §14 (AMD).]

SECTION HISTORY

PL 1985, c. 695, §11 (NEW). PL 1989, c. 443, §49 (AMD). PL 1989, c. 878, §111 (AMD). PL 2017, c. 179, §14 (AMD).

§12714. Name and program of the community colleges

The program of the community 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 colleges shall be: [PL 1989, c. 443, §50 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

1. Central Maine. Central Maine Community College;
[PL 1989, c. 443, §50 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

2. Eastern Maine. Eastern Maine Community College;
[PL 1989, c. 443, §50 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

3. Kennebec Valley. Kennebec Valley Community College;
[PL 1989, c. 443, §50 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

4. Northern Maine. Northern Maine Community College;
[PL 1989, c. 443, §50 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

5. Southern Maine. Southern Maine Community College;
[PL 1993, c. 707, Pt. O, §1 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

6. Washington County. Washington County Community College; and
[PL 1993, c. 707, Pt. O, §1 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

7. York County. York County Community College.
[PL 1993, c. 707, Pt. O, §2 (NEW); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

SECTION HISTORY

PL 1985, c. 695, §11 (NEW). PL 1989, c. 443, §50 (AMD). PL 1993, c. 707, §§01,2 (AMD). PL 2003, c. 20, §002 (AMD). PL 2003, c. 20, §004 (AFF).

§12715. Accreditation

The 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 community colleges and to meet the requirements necessary to receive federal aid. Whenever feasible and appropriate, programs of study offered by the colleges shall meet the requirements of the corresponding occupations for licensing, certification or registration. As provided in Title 32, 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. [PL 1989, c. 443, §51 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

SECTION HISTORY

PL 1985, c. 695, §11 (NEW). PL 1989, c. 443, §51 (AMD). PL 2003, c. 20, §002 (AMD). PL 2003, c. 20, §004 (AFF).

§12716. Financial aid

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

Students selected to receive a scholarship 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 worker in an industrial, administrative, technical or trade pursuit; [PL 2017, c. 179, §15 (AMD).]
- B. Show demonstrated ability and willingness to support the expenses of education and training; and [PL 1985, c. 695, §11 (NEW).]
- C. 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. [PL 2017, c. 179, §15 (AMD).]

[PL 2017, c. 179, §15 (AMD).]

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 a college. The program shall be administered by the board of trustees.

[PL 1989, c. 443, §52 (AMD).]

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 colleges. The board of trustees shall adopt rules governing the giving of loans to 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.

[PL 1989, c. 443, §52 (AMD).]

SECTION HISTORY

PL 1985, c. 695, §11 (NEW). PL 1989, c. 443, §52 (AMD). PL 2017, c. 179, §15 (AMD).

§12717. Instructional Projects Revolving Fund

The board of trustees shall establish and administer an Instructional Projects Revolving Fund to aid instruction at the 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. [PL 1989, c. 443, §53 (AMD).]

SECTION HISTORY

PL 1985, c. 695, §11 (NEW). PL 1989, c. 443, §53 (AMD).

§12718. Annual report by trustees

The board of trustees shall prepare an annual report by January 1st of each year, to be submitted to the Governor and joint standing committees of the Legislature having jurisdiction over education and over appropriations and financial affairs. This report must include: [PL 1991, c. 376, §42 (AMD).]

1. Budget expenditures. Budget expenditures for the last complete fiscal year and projected expenditures for the fiscal year in which the report is submitted; [PL 1985, c. 695, §11 (NEW).]

2. Current enrollments. Current enrollments by program at each college; [PL 1989, c. 443, §54 (AMD).]

3. Description of new courses or curricula. A description of any new college courses or curricula; [PL 1989, c. 443, §54 (AMD).]

4. Description of activities. A description of activities undertaken to coordinate postsecondary career and technical training and education throughout the State with secondary career and technical education, adult career and technical education, employment training programs, other employment-related training and other institutions of higher learning; [PL 1991, c. 376, §42 (AMD); PL 2005, c. 397, Pt. D, §3 (REV).]

5. Analysis.
[PL 1991, c. 376, §42 (RP).]

6. List. A list of needs, in order of priority, of the colleges; and [PL 1989, c. 443, §54 (AMD).]

7. Other information. Any other information deemed significant by the board of trustees. [PL 1985, c. 695, §11 (NEW).]

SECTION HISTORY

PL 1985, c. 695, §11 (NEW). PL 1989, c. 443, §54 (AMD). PL 1991, c. 376, §42 (AMD). PL 2005, c. 397, §D3 (REV).

**§12719. Driver education
(REPEALED)**

SECTION HISTORY

PL 1989, c. 179, §3 (NEW). PL 1991, c. 376, §43 (RP).

§12720. Report by system president

The President of the Senate and the Speaker of the House of Representatives may invite the system president to appear in January of each year before a joint session of the Legislature to address the

Legislature on the status of the system and such other matters as the system president desires to bring to the attention of the Legislature. [PL 1991, c. 376, §44 (NEW).]

SECTION HISTORY

PL 1991, c. 376, §44 (NEW).

§12721. Distribution of strategic plans

Upon the development of any system-wide strategic planning document that has been approved by the board of trustees, the system shall distribute copies of that plan to each member of the Legislature. [PL 1991, c. 376, §44 (NEW).]

SECTION HISTORY

PL 1991, c. 376, §44 (NEW).

§12722. Defined contribution retirement plan

1. Eligibility; plan contents. Subject to applicable bargaining agreements, the board of trustees may authorize persons employed in the faculty and instructors and the administrative staff bargaining units to participate in a defined contribution retirement plan offered by the board of trustees instead of any plan offered by the Maine Public Employees Retirement System. The defined contribution retirement plan must include the requirement that any disbursement of the accumulated assets in a person's defined contribution plan account or accounts must include pay out of at least 40% of the assets as a life annuity. The defined contributions retirement plan must also offer an option providing a life annuity pay out to a surviving spouse.

[PL 1997, c. 763, §4 (NEW); PL 1997, c. 763, §7 (AFF); PL 2007, c. 58, §3 (REV).]

2. Election periods. An eligible person is considered to be a participant in the defined contribution plan offered by the board of trustees unless that person makes a one-time irrevocable election to participate in the Maine Public Employees Retirement System. The election must be made in writing no later than 30 days after the date of hire in an eligible position, and notice of the election must be filed with the administrative officer of the employing institution. The employing institution shall notify the Maine Public Employees Retirement System of the election in accordance with procedures established by the Executive Director of the Maine Public Employees Retirement System. Participation in the Maine Public Employees Retirement System pursuant to an election under this subsection is effective as of the date of hire, and the system shall remit all required contributions to the Maine Public Employees Retirement System retroactively to the date of hire.

A. [PL 2009, c. 474, §45 (RP).]

B. [PL 2009, c. 474, §45 (RP).]

[PL 2009, c. 474, §45 (RPR).]

3. Maine Public Employees Retirement System members.

[PL 2009, c. 474, §46 (RP).]

4. No service credit for defined contribution plan participation. At no time may an employee who participates in the defined contribution plan offered by the board of trustees pay contributions or pick-up contributions to the Maine Public Employees Retirement System or receive Maine Public Employees Retirement System service credit for any time during which the employee participated in the defined contribution plan.

[PL 1997, c. 763, §4 (NEW); PL 1997, c. 763, §7 (AFF); PL 2007, c. 58, §3 (REV).]

5. Retiree health benefits. For purposes of Title 5, section 285, subsection 7, participants in the defined contribution plan offered by the board of trustees must be treated as persons who were previously eligible pursuant to Title 5, section 285, subsection 1, paragraph A if those persons have terminated employment with the system, its colleges and subsidiaries, if that employment represents

the last place of employment in which those persons are eligible for health insurance coverage under Title 5, section 285 and if those persons are at least 60 years of age, except for termination due to disability when those persons are receiving disability benefits under a disability benefit program provided by the board of trustees under subsection 6. The board of trustees is responsible for payment of the State's share of health plan premiums under Title 5, section 285, subsection 7 for defined contribution plan participants if the requirements of this subsection are met.

[PL 1997, c. 763, §4 (NEW); PL 1997, c. 763, §7 (AFF).]

6. Disability benefits. For employees covered under the defined contribution plan, the board of trustees shall provide a disability benefit program, the cost of which must be paid by the board of trustees. At a minimum, that program must establish eligibility criteria, provide coverage for physical and mental disabilities and provide a level of benefits at least equal to 60% of the employee's annual compensation.

[PL 1997, c. 763, §4 (NEW); PL 1997, c. 763, §7 (AFF).]

7. Administration. The board of trustees and the Maine Public Employees Retirement System shall administer this section as follows.

A. The board of trustees is responsible for providing an employee with information as to membership under the Maine Public Employees Retirement System and as to coverage under the defined contribution plan offered by the board of trustees to assist the employee in making an election decision. The Maine Public Employees Retirement System shall provide the board of trustees with information as to membership in the Maine Public Employees Retirement System. [PL 1997, c. 763, §4 (NEW); PL 1997, c. 763, §7 (AFF); PL 2007, c. 58, §3 (REV).]

B. The board of trustees is responsible for determining eligibility and providing procedures for making an election under this section, for maintaining all records relevant to the election process and an individual employee's election, for informing the Maine Public Employees Retirement System as to employee elections in accordance with procedures established by the Executive Director of the Maine Public Employees Retirement System and for making all administrative decisions, including the final administrative decision, in any dispute related to an employee's election or to any issue as to the plan offered by the board of trustees. Neither the Maine Public Employees Retirement System nor the Board of Trustees of the Maine Public Employees Retirement System has responsibility or jurisdiction to make the final administrative decision with respect to any of these matters. The Maine Public Employees Retirement System is responsible only to ensure that its records accurately reflect the information provided by the board of trustees, the board of trustees' decision as to any of these matters and the legally recognized outcome of any dispute related to any of these matters. [PL 1997, c. 763, §4 (NEW); PL 1997, c. 763, §7 (AFF); PL 2007, c. 58, §3 (REV).]

C. With respect to matters related to participation and membership in the Maine Public Employees Retirement System other than those specified in paragraph B, the Maine Public Employees Retirement System and the Board of Trustees of the Maine Public Employees Retirement System retain responsibility and authority according to applicable retirement system law and rules as to the system and its employees to whom this section applies, including the authority to make final administrative decisions. [PL 1997, c. 763, §4 (NEW); PL 1997, c. 763, §7 (AFF); PL 2007, c. 58, §3 (REV).]

[PL 1997, c. 763, §4 (NEW); PL 1997, c. 763, §7 (AFF); PL 2007, c. 58, §3 (REV).]

8. Participation in Maine Public Employees Retirement System.

[PL 2009, c. 474, §47 (RP).]

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.

[PL 2017, c. 179, §16 (NEW).]

SECTION HISTORY

PL 1997, c. 763, §4 (NEW). PL 1997, c. 763, §7 (AFF). PL 1999, c. 614, §1 (AMD). PL 2001, c. 442, §4 (AMD). PL 2001, c. 545, §1 (AMD). PL 2001, c. 710, §7 (AMD). PL 2001, c. 710, §8 (AFF). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2007, c. 58, §3 (REV). PL 2007, c. 137, §25 (AMD). PL 2009, c. 236, §3 (AMD). PL 2009, c. 474, §§45-47 (AMD). PL 2017, c. 179, §16 (AMD).

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