

# MAINE STATE LEGISLATURE

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*Apprenticeship Program*  
*Manpower Affairs' Apprenticeship Programs*  
STATE OF MAINE

Inter-Departmental Memorandum Date June 27, 1977

From John R. Dyer, Director of Apprenticeship Dept. Manpower Affairs, Bureau of Labor  
Kay R. H. Evans, Assistant Dept. Attorney General  
Subject Title 29, C.F.R. Part 29: Comparative Review with Maine Statutes

By your memo of June 3, 1977, you requested review of Chapter 11 of Title 26 of the Maine Statutes for compliance with the requirements of Title 29 C.F.R. Part 29, "National Standards for the Registration for Apprenticeship Programs." You also submitted for review Apprenticeship Agreement forms presently used by the Maine State Apprenticeship Council and a Standards of Apprenticeship booklet, an appropriate version of which is incorporated by reference into an Agreement for apprenticeship in a given occupation.

We conclude that compliance with the Federal law requires several changes in Chapter 11 and in the Apprenticeship Agreement and Standards forms. To avoid extensive statutory revision, it will be necessary to publish or adopt certain regulations, for the double purpose of compliance and of giving notice to sponsors of apprenticeship programs of the criteria for eligibility of such programs for Federal purposes.

This opinion considers:

1. Statutory and regulatory changes necessary for the Maine State Apprenticeship Council (MSAC) to be recognized as "the appropriate body for state registration and/or approval of local apprenticeship programs and agreements for Federal purposes." Section 29.2(0); and
2. Changes necessitated in Apprenticeship Agreement and Standards forms utilized by the MSAC.

OPINION:

Part 1. Changes Necessary for the MSAC to be  
Recognized under Title 29 C.F.R. Part 29:

If the MSAC meets the requirements for and is recognized under Title 29 C.F.R. Part 29, it may then "register" apprenticeship programs. Registration of such programs is the determination of their eligibility for Federal purposes. Your attention is directed to Section 29.12 of Title 29 C.F.R., to which we have compared Chapter 11. The numbers below refer to the same numbered paragraphs of Section 29.12(b).

(1) In the light of your memo, the MSAC appears to be an acceptable agency under sub-§ (iii) of the first paragraph.

(2) Composition and voting procedures of the MSAC as laid out in § 1002 of Chapter 11 appear acceptable. To the general requirements for MSAC membership the language "familiar with apprenticeable occupations" should be added.

(3) To achieve compliance, you should add these provisions to Chapter 11. You should include language which gives to the MSAC the power to determine by registration the eligibility of apprenticeship programs for Federal purposes.

(4) Section 1002(2) appears to cover this requirement, except that specific authority to "deregister" apprenticeship programs and agreements should be given. "Deregistration" criteria and procedures should be covered in regulations, as discussed in paragraph (9) below.

(5) Policies and procedures to comply with the described regulations should be developed and published in regulation form.

(6) See § 29.6 and the discussion in Part 2 of this opinion for the requirements of apprenticeship agreements. Since all apprenticeship agreements for programs seeking eligibility must conform to these requirements, the requirements should be published in regulation form. The MSAC may also wish to make its own apprenticeship agreement forms comply with these requirements.

(7) Programs eligible for Federal purposes are limited to those in "apprenticeable occupations." The definition of "apprenticeable occupations" appears in § 29.4 and should be incorporated in the revision of Chapter 11 or in regulations.

(8) This provision should be added to regulations.

(9) These provisions should be added to regulations. For an instructive example, see § 29.7 on deregistration of a program by the Bureau of Labor. You should develop similar provisions for deregistration, temporary deregistration, etc.

(10) Add this provision to regulations to achieve compliance.

It should be noted that all the elements which we have recommended appear as regulations could instead be included within an extensively revised Chapter 11 itself. However, since you may wish Chapter 11 to have a broader application than simply to those matters covered by Part 29, it would be simpler and less confusing to contain the "eligibility for Federal purposes" material in regulations. Perhaps you can most easily accomplish the necessary publication of regulations by printing a separate booklet of regulations relative to the determination of eligibility of apprenticeship programs for Federal purposes.

If a state agency such as the MSAC is recognized, it then has the authority to register programs - that is, to determine the eligibility of a program for Federal purposes. Regulations should be written which reflect the eligibility and procedural criteria in § 29.3, the criteria for apprenticeable occupations in § 29.4, the standards of apprenticeship in § 29.5, and the prescribed contents of an apprenticeship agreement in § 29.6. These sections provide most of the content for the necessary regulations; there will need to be some obvious modifications.

Part 2. Changes Necessary in Apprenticeship Agreement and Apprenticeship Standards Forms Presently Utilized by the MSAC.

If the MSAC wishes its Apprenticeship Agreement and Standards forms to meet the requirements of Title 29 C.F.R. Part 29, it must either make changes in the present forms or prepare new ones. Section 29.6 specifies the necessary components of an apprenticeship agreement acceptable under this Federal law. Your attention is directed to paragraphs C, E, G, H (1 and 2), I and K of § 29.6, all of which contain provisions which must be added to the present Apprenticeship Agreement form or to the Standards booklet in order for those two documents, taken together, to comprise an acceptable apprenticeship agreement.

Finally, we would recommend that to § 1007 of Chapter 11 the following language be added after the word "apply": "except for those provisions with which compliance is required under Federal law in order for an apprenticeship program to be deemed eligible for Federal purposes."

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Assistant Attorney General.

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