

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

July 25, 1979

Mr. Marvin W. Ewing  
Director, Bureau of Labor  
State Office Building  
Augusta, Maine 04333

Dear Mr. Ewing:

You have requested an opinion from this office as whether the Maine State Apprenticeship Council has the authority to approve numerical ratios in apprenticeship programs other than one apprentice to one journeyman.

We answer in the affirmative.

Chapter 1 of the Rules of the Maine State Apprenticeship Council establishes the guidelines for the registration of Apprenticeship Agreements or Programs with the Council. Rule 1.5, Standards of Apprenticeship, provides, in part:

B. The following standards are prescribed for an apprenticeship program:

10. Provision for the numeric ratio of apprentice to journeyman consistent with proper supervision, training, safety, and reasonable continuity of employment, and applicable provisions in collective bargaining agreements, in relation to which it is recommended that a minimum ratio of no more than one apprentice for each journeyman regularly employed by a participating employer in each apprenticeable occupation be established;

It is clear that this rule does not require that every apprentice program maintain a ratio of one apprentice to one journeyman. The language explicitly states that such a ratio is "recommended."

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However, the language of this rule does provide that every apprenticeship program must maintain a ratio that will insure that there is proper supervision, training, safety, and reasonable continuity of employment for those individuals in an apprenticeship program. So long as these standards are met it does not matter what the numeric ratio is.

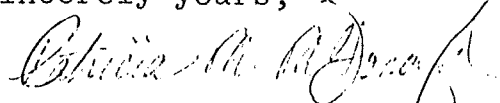
Federal regulations governing the Standards of Apprenticeship are found at 29 C.F.R. Part 29.5. Subsection 7 of this provision addresses the question of numeric ratios and provides as follows:

The numeric ratio of apprentices to journeymen consistent with proper supervision, training, safety, and continuity of employment, and applicable provisions in collective bargaining agreements, except where such ratios are expressly prohibited by the collective bargaining agreements. The ratio language shall be specific and clear as to application in terms of jobsite, work force, department or plant.

It is apparent that this provision does not specify any one set numeric ratio. As in the State regulation, the numeric ratio must be such as will insure that the standards set forth are met.

As there is nothing contained in either the State or federal regulations governing the Standards of Apprenticeship which requires a numeric ratio of one journeyman to one apprentice in every apprenticeship program, the Apprenticeship and Training Council may approve programs with numeric ratios of other than one to one.

Sincerely yours,



Patricia M. McDonough  
Assistant Attorney General

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