

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

**Legislative Document**

**No. 335**

H. P. 291

House of Representatives, January 20, 1981

Submitted by the Department of Manpower Affairs pursuant to Joint Rule 24.

Referred to the Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative P. Paradis of Augusta.

Cosponsor: Representative Beaulieu of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

**AN ACT Changing the Name of the Department of Manpower Affairs and Clarifying the Term of its Commissioner.**

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

**Sec. 1.** 2 MRSA § 6, sub-§ 1, next to the last line, as repealed and replaced by PL 1977, c. 697, § 1, is amended to read:

Commissioner of ~~Manpower Affairs~~ **Labor and Industry;**

**Sec. 2.** 3 MRSA § 507, sub-§ 7, ¶ B, sub-¶ (1), as enacted by PL 1979, c. 654, § 3, is amended to read:

(1) Department of ~~Manpower Affairs~~ **Labor and Industry;** and

**Sec. 3.** 5 MRSA § 711, sub-§ 2, ¶ A, sub-¶ (11), first sentence, as repealed and replaced by PL 1977, c. 674, § 6, is amended to read:

Department of ~~Manpower Affairs~~ **Labor and Industry;**

**Sec. 4.** 5 MRSA § 1855, 6th sentence, as amended by PL 1975, c. 293, § 4, is further amended to read:

The commissioners of the Department of Human Services, Transportation,

~~Manpower Affairs~~ **Labor and Industry**, Finance and Administration, Educational and Cultural Services, Public Safety, Mental Health and Corrections and the Secretary of State shall each designate a member of his department to serve on the board, except that no member of the Bureau of Central Computer Services shall may be a member of the board.

Sec. 5. 26 MRSA § 41, first and 2nd sentences, as repealed and replaced by PL 1977, c. 674, § 23, is further amended to read:

A Bureau of Labor within the Department of ~~Manpower Affairs~~ **Labor and Industry**, as heretofore established and hereinafter in this Title called the "bureau," shall be maintained under the direction of an officer whose title shall be Director of the Bureau of Labor and state factory inspector, hereinafter in this Title, except in chapter 13, called the "director." He shall be appointed by the Commissioner of ~~Manpower Affairs~~ **Labor and Industry** and shall hold office at the pleasure of the commissioner.

Sec. 6. 26 MRSA § 979-J, sub-§ 1, 2nd sentence, as amended by PL 1975, c. 564, § 37 and 1975, c. 612, § 5, is further amended to read:

The appropriation for the board and the executive director shall be included in the budget of the Department of ~~Manpower Affairs~~ **Labor and Industry** and authorization for expenditures shall be the responsibility of the chairman or executive director.

Sec. 7. 26 MRSA § 1002, 5th sentence, as amended by PL 1979, c. 242, is further amended to read:

The Associate Commissioner of Vocational Education, the Director of the Bureau of Labor and the Commissioner of ~~Manpower Affairs~~ **Labor and Industry** shall be ex officio members of the council without vote.

Sec. 8. 26 MRSA § 1043, sub-§ 7-A, as enacted by PL 1977, c. 675, § 2, is amended to read:

7-A. Commissioner. "Commissioner" means the Commissioner of ~~Manpower Affairs~~ **Labor and Industry**.

Sec. 9. 26 MRSA § 1082, sub-§ 1, first sentence, as repealed and replaced by PL 1979, c. 651, § 14, is amended to read:

Except as otherwise provided, it shall be the duty of the Commissioner of ~~Manpower Affairs~~ **Labor and Industry** to administer this chapter through an organization to be known as the Bureau of Employment Security.

Sec. 10. 26 MRSA § 1082, sub-§ 2, 4th sentence, as repealed and replaced by PL 1979, c. 651, § 15, is amended to read:

Each member of the commission shall have access to any information, memoranda, reports or statistical data which is in the possession of or which has been prepared by any division of the Department of ~~Manpower Affairs~~ **Labor and Industry** and which relates to the administration of this chapter.

**Sec. 11. 26 MRSA § 1082, sub-§ 3**, as last amended by PL 1979, c. 651, § 16, is further amended to read:

**3. Publication.** The Commissioner of ~~Manpower Affairs~~ **Labor and Industry** shall cause to be printed for distribution to the public the text of this chapter, the commission's regulations, his annual reports to the Governor and any other material the commissioner or the commission deems relevant and suitable, and shall furnish the same to any person upon application therefor.

**Sec. 12. 26 MRSA § 1082, sub-§ 4, first sentence**, as last amended by PL 1979, c. 651, § 17, is further amended to read:

Subject to other provisions of this chapter, the Commissioner of ~~Manpower Affairs~~ **Labor and Industry** is authorized to appoint and prescribe the duties and powers of, and fix the compensation of, such officers, accountants, attorneys, experts and other persons as may be necessary in the performance of his duties, subject to the Personnel Law.

**Sec. 13. 26 MRSA § 1082, sub-§ 5, first sentence**, as amended by PL 1971, c. 620, § 9, is further amended to read:

The Commissioner of ~~Manpower Affairs~~ **Labor and Industry** shall appoint a state advisory council consisting of not more than 9 members composed of an equal number of employer representatives and employee representatives who may fairly be regarded as representative because of their vocation, employment or affiliations and an equal number of members representing the general public.

**Sec. 14. 26 MRSA § 1082, sub-§ 6**, as amended by PL 1971, c. 620, § 10, is further amended to read:

**6. Employment stabilization.** The Commissioner of ~~Manpower Affairs~~ **Labor and Industry**, with the advice and aid of such advisory council as he may appoint, may take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of vocational training, retraining and vocational guidance; to investigate, recommend, advise and assist in the establishment and operation, by municipalities, counties, school districts and the State, of reserves for public works to be used in times of business depression and unemployment; to promote the reemployment of unemployed workers throughout the State in every other way that may be feasible; and to these ends to carry on and publish the results of investigations and research studies.

**Sec. 15. 26 MRSA § 1083, sub-§ 1, 4th sentence**, as amended by PL 1977, c. 675, § 12, is further amended to read:

The Department of ~~Manpower Affairs~~ **Labor and Industry** is designated and constituted the agency of this State for the purpose of ~~said~~ **this Act**.

**Sec. 16. 26 MRSA § 1263, first sentence**, as enacted by PL 1975, c. 481, § 3, and as amended, is further amended to read:

There is established the Maine Vocational Development Commission to consist of the Commissioner of Educational and Cultural Services, the Commissioner of ~~the Department of Manpower Affairs Labor and Industry~~ and the Director of the State Development Office, or their authorized representatives, or their successors under any governmental reorganization.

**Sec. 17. 26 MRSA § 1401, first ¶**, as amended by PL 1975, c. 771, § 289, is further amended to read:

There is created and established the Department of ~~Manpower Affairs Labor and Industry~~ to achieve the most effective utilization of the manpower resources in the State by developing and maintaining an accountable state manpower policy, by insuring safe working conditions and protection against loss of income and by enhancing the opportunities of the individual to improve his economic status, to consist of a Commissioner of ~~Manpower Affairs Labor and Industry~~ appointed by the Governor, subject to review by the Joint Standing Committee on Labor and to confirmation by the Legislature, to serve at the pleasure of the Governor, and the following as heretofore created and established: The Employment Security Commission, the Bureau of Labor, the Maine Manpower Advisory Committee, the Cooperative Area Manpower Planning System and the Manpower Development Training Program.

**Sec. 18. 26 MRSA § 1401, 2nd ¶**, as enacted by PL 1977, c. 675, § 29, is amended to read:

The Commissioner of ~~Manpower Affairs Labor and Industry~~ shall receive a fixed weekly salary in accordance with Title 2, section 6, and shall be paid from the administrative funds of the Maine Employment Security Commission, the Bureau of Labor and from other program administrative funds which he is authorized by statute to administer.

**Sec. 19. 26 MRSA § 1602**, as repealed and replaced by PL 1979, c. 515, § 19, is amended to read:

**§ 1602. Displaced Homemaker Program**

The Department of ~~Manpower Affairs Labor and Industry~~ shall establish a program to provide job counseling, job training, job placement and referral services to displaced homemakers.

**Sec. 20. 26 MRSA § 1603, sub-§ 1**, as enacted by PL 1979, c. 515, § 19, is amended to read:

**1. Powers.** The Commissioner of ~~Manpower Affairs Labor and Industry~~, hereinafter referred to as the commissioner, shall administer the Displaced Homemakers Program. The commissioner may delegate any or all of the authority granted him by this chapter to other personnel within the Department of ~~Manpower Affairs Labor and Industry~~.

**Sec. 21. 26 MRSA § 1604, sub-§ 1, ¶ A**, as repealed and replaced by PL 1979, c. 515, § 19, is amended to read:

A. The Commissioner of ~~Manpower Affairs~~ **Labor and Industry** or the commissioner's designee; and

**Sec. 22. Revision clause.** Wherever in the Revised Statutes the words "Department of Manpower Affairs" appear or reference is made to that name, they shall be amended to read and mean "Department of Labor and Industry."

**Sec. 23. Revision clause.** Wherever in the Revised Statutes the words "Commissioner of Manpower Affairs" appear or reference is made to that name, they shall be amended to read and mean "Commissioner of Labor and Industry."

#### STATEMENT OF FACT

This legislation changes the name of the Department of Manpower Affairs in deference to affirmative action and equal opportunity laws and policies. The legislation also provides that the department's commissioner shall serve at the pleasure of the Governor, making the term of the commissioner consistent with that of most other major department heads.