

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 1278**

S. P. 437

In Senate, March 12, 1981

Referred to the Committee on Health and Institutional Services. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator C. Sewall of Lincoln.

Cosponsors: Representative Hayden of Durham, Senator Pierce of Kennebec and Representative Mitchell of Vassalboro.

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STATE OF MAINE

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

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**AN ACT to Establish and Coordinate Training, Education and Employment Programs for Recipients of Aid to Families with Dependent Children.**

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

Sec. 1. 5. MRSA c. 160 is enacted to read:

**CHAPTER 160**

**THE JOB OPPORTUNITIES ACT OF 1981**

**§ 1951. Policy and intent**

It is the policy of the State that all available resources and institutions be used to provide education, training and job opportunities to qualified and eligible recipients of the Aid to Families with Dependent Children program to enable them to become self-sufficient and eliminate their dependency on public assistance.

It is the intent of this chapter to commit these resources and institutions to this goal, and to provide for effective coordination that will result in recipients of Aid to Families with Dependent Children becoming self-sufficient.

**§ 1952. Maine Aid to Families with Dependent Children Coordination Committee**

1. **Committee established.** There is established the Maine Aid to Families with Dependent Children Coordination Committee consisting of the Commissioners of the Department of Human Services, Department of Manpower Affairs and Department of Educational and Cultural Services or their designees.

2. **Committee purpose.** The purpose of this committee is to carry out state policy and legislative intent to provide education, training and job opportunities for Aid to Families with Dependent Children recipients as stated in section 1951.

**§ 1953. Duties and responsibilities of committee**

1. **Program administration.** The committee shall:

A. Establish a single administrative office for the Work Incentive Program and locate all Work Incentive Program staff from the Department of Human Services and the Department of Manpower Affairs with statewide responsibilities in that single office;

B. Prepare a coordinated Work Incentive Program budget in accordance with federal and state legislative directives;

C. Develop the State Work Incentive Program plan and submit it to the Federal Government for approval;

D. Establish priorities and allocate funds in accordance with the policy and intent of this chapter;

E. Develop appropriate training for all Work Incentive Program staff;

F. Process waiver requests pursuant to Title 22, section 3759, sub-§ 5;

G. Establish an advisory council which shall consist of 7 members, including a representative of the Women's Training and Employment Program, the Commission for Women, the Displaced Homemakers Program, employers within the State, and organized labor, and 2 recipients of Aid to Families with Dependent Children. This Advisory Council shall advise, consult, monitor and assist the committee in carrying out the purposes of this chapter; and

H. Carry out all other duties established by state or federal statutes and regulations for the Maine Aid to Families with Dependent Children Coordinating Committee.

2. **Assessment.** In assessing Work Incentive Program registrants, the committee shall:

A. Establish procedures to assure that the assessment and placement procedure for each Work Incentive Program registrant is accomplished through direct personal contact with representatives from the Departments of Human Services, Manpower Affairs and Educational and Cultural Services.

(1) The registrant shall participate fully in the assessment process and shall

have the option of requesting a joint appraisal interview or individual meeting with department representatives. If sequential interviews are selected they shall occur within 5 days unless postponement is requested by the registrant.

(2) If the registrant is dissatisfied with the employability plan established through the assessment process, he may appeal this determination through the Work Incentive Program adjudication system. No sanction based on his refusal to comply with the terms of the employability plan may be made until a final decision upholding the plan is issued; and

B. Assure that each assessment includes a thorough analysis of the registrant's family situation, work history, skills, interests, attitude toward work, motivation, social services needs, prevocational, preeducational and preapprenticeship needs and any other relevant factors that will enable a program to be developed that allows the registrant to eliminate his dependency on public assistance.

3. Training and education programs. The committee shall assure the development and coordination of training and education programs, support services and remedial or preparatory programs at the University of Maine, the vocational-technical institutes, the Apprenticeship and Training Council and any other institutions or programs that will enable recipients of Aid to Families with Dependent Children to obtain jobs which will eliminate their dependence on public assistance.

4. Placement. In order to facilitate the placement of Work Incentive Program registrants, the committee shall:

A. Establish, with the University of Maine, each state vocational-technical institute and any other institution or program that the committee concludes is able to carry out the policy and intent of this chapter, an agreement that will guarantee a placement preference for qualified recipients of Aid to Families with Dependent Children; and

B. Establish procedures assuring that appropriate education and training support resources, grants-in-aid and scholarships are made available to all eligible Work Incentive Program registrants.

Sec. 2. 5 MRSA § 7002, ¶I is enacted to read:

I. The director shall work with the Maine Aid to Families With Dependent Children Coordination Committee for the purpose of developing, promoting and identifying employment opportunities for recipients of the Aid to Families with Dependent Children Program consistent with the policy and intent of chapter 160.

Sec. 3. 10 MRSA § 751, sub-§ 1, ¶G, as enacted by PL 1973, c. 633, § 2, is amended to read:

G. Perform such other duties as may be directed by the authority in the carrying out of the purposes of this chapter; **and**

Sec. 4. 10 MRSA § 751, sub-§ 1, ¶ H is enacted to read:

**H. Provide information to the Maine Aid to Families with Dependent Children Coordinating Committee regarding employment opportunities available to recipients of Aid to Families with Dependent Children under this chapter and assist the committee in the referral and placement of these persons.**

Sec. 5. 10 MRSA § 752, sub-§ 11, ¶¶ D and E, as enacted by PL 1975, c. 566, § 8, are amended to read:

D. Evidence of management and planning capability of the applicant; **and**

E. Applicant to submit a comprehensive plan that demonstrates, to the satisfaction of the authority, that the project, with proper management, will be capable of achieving the revenue and employment goals set forth by the applicant; **and**

Sec. 6. 10 MRSA § 752, sub-§ 11, ¶ F is enacted to read:

**F. Applicant shall identify the percentage of permanent jobs which will be targeted to recipients of Aid to Families with Dependent Children. At a minimum, 10% of all employment created by each project shall be targeted for recipients of Aid to Families with Dependent Children. The applicant shall submit an employment plan describing potential opportunity for Aid to Families with Dependent Children recipients including types of jobs, skills required and training necessary for placement.**

Sec. 7. 10 MRSA § 864, sub-§ 3, ¶ E, sub-¶ (3), as enacted by PL 1977, c. 489, § 12, is amended to read:

(3) It is unlikely that public facilities meeting the needs of such users and securing comparable public benefit will become available in the reasonably foreseeable future; **and**

Sec. 8. 10 MRSA § 864, sub-§ 3, ¶ F is enacted to read:

**F. The project will make, to the extent possible, a commitment to provide employment to recipients of Aid to Families with Dependent Children; and**

Sec. 9. 10 MRSA § 917, sub-§§ 6 and 7, as enacted by PL 1977, c. 548, § 1, are amended to read:

**6. Climate for economic development.** Promotion of an improved climate for economic development in the State; **and**

**7. Coordination of development efforts.** Coordination of development efforts for more successful project development through serving as a broad liaison with diverse groups and parties in all sectors and bringing together needed resources for particular projects; **and**

Sec. 10. 10 MRSA § 917, sub-§ 8 is enacted to read:

**8. Employment opportunities.** Coordination with the Maine Aid to Families with Dependent Children Coordination Committee for the purpose of identifying and developing employment opportunities for recipients of Aid to Families with Dependent Children consistent with the policy and intent of Title 5, chapter 160.

Sec. 11. 20 MRSA § 2251, sub-§ 13, as repealed and replaced by PL 1967, c. 400, is amended to read:

**13. Commuter education.** To make the most effective use possible of the financial resources allocated to public higher education by maximum emphasis on commuter facilities; **and**

Sec. 12. 20 MRSA § 2251, sub-§ 14 is enacted to read:

**14. Aid to Families with Dependent Children recipients.** To develop programs to enable recipients of Aid to Families with Dependent Children to achieve educational and skill levels that will allow them to compete for employment which will eliminate their dependency on public assistance.

Sec. 13. 20 MRSA §§ 2257 and 2258 are enacted to read:

**§ 2257. Support services**

In conjunction with the Maine Aid to Families with Dependent Children Coordinating Committee established in Title 5, section 1952, the University of Maine shall develop and provide programs and services for Aid to Families with Dependent Children recipients which include, but are not limited to, remedial educational courses, day care services, counseling services and other programs and services determined necessary to carry out the policy and intent of Title 5, chapter 106, where necessary. Preparatory and remedial courses shall be included as part of the curriculum leading to a certificate, diploma, associate degree or degree.

**§ 2258. Preference**

The University of Maine shall establish a preference system to guarantee qualified recipients of aid to Families with Dependent Children educational placement consistent with their Work Incentive Program employability plan.

Sec. 14. 20 MRSA § 2261-A, sub-§§ 4 and 5, as enacted by PL 1979, c. 602, § 3, are amended to read:

**4. Supplementary programs.** Provide supplementary educational programs to upgrade those persons already employed or retrain persons for new employment opportunities; **and**

**5. Special programs.** Provide special programs for disadvantaged and handicapped persons to permit them to take maximum advantage of their aptitudes and interests; **and**

Sec. 15. 20 MRSA § 2261-A, sub-§ 6 is enacted to read:

6. **Aid to Families with Dependent Children recipients.** Develop programs to enable recipients of Aid to Families with Dependent Children to achieve educational and skill levels that will allow them to compete for employment which would eliminate their dependency on public assistance.

Sec. 16. 20 MRSA §§ 2261-B and 2261-C are enacted to read:

§ 2261-B. **Support for Aid to Families with Dependent Children recipients.**

In conjunction with the Maine Aid to Families with Dependent Children Coordinating Committee established in Title 5, section 1952, the vocational-technical institutes shall develop and provide programs and services for recipients of Aid to Families with Dependent Children which include, but are not limited to, remedial courses and other prevocational preparation, day care services, counseling services and other programs and services determined necessary to carry out the policy and intent of Title 5, chapter 160. Where necessary, preparatory and remedial courses shall be included as part of the curriculum leading to a certificate, diploma, associate degree or degree.

§ 2261-C. **Preference**

The vocational-technical institutes shall establish a preference system to guarantee qualified recipients of Aid to Families with Dependent Children educational placement consistent with their Work Incentive Program employability plan.

Sec. 17. 22 MRSA § 3759 is enacted to read:

§ 3759. **Work Incentive Program**

1. **Authorization.** The Department of Human Services is authorized to administer and operate, jointly with the Department of Manpower Affairs and under the jurisdiction of the Maine Aid to Families with Dependent Children Coordination Committee, a Work Incentive Program, to be known as WIN, in accordance with federal law, any amendments and additions thereto, and any regulations promulgated thereunder.

2. **Purpose.** The purpose of the WIN program shall be to utilize all available educational, vocational and employment services within the State to guarantee that individuals receiving Aid to Families with Dependent Children are furnished the necessary incentives, opportunities and services to find employment which will eliminate their need for public assistance.

3. **Coordination.** The department shall certify registrants for the WIN program and participate in the assessment, programming for placement of each WIN registrant as required by the Maine Aid to Families with Dependent Children Coordination Committee.

4. **Services provided.** The department shall provide each WIN registrant with

the services necessary to successfully participate in any education, training or employment programs in which they have been placed through the WIN program. These services include, but are not limited to, reimbursement for travel, day care and other necessary expenses not reimbursable from any other source, counseling, referral and employment or training-related medical and rehabilitative services.

5. Waiver for completion of institutional training. Registrants under the WIN program who desire to participate in a training or educational program designed to provide them with skills and education or improve their potential for employment opportunities shall be placed in a WIN status which will allow them to attend that training for the duration of the training program. When necessary to allow the registrant to complete the training program, a waiver of any federal time limitation on training shall be requested from the appropriate federal authority. WIN benefits shall continue to be provided to any person for whom such a waiver is granted for the duration of their participation in the institutional training for which the waiver was granted.

Sec. 18. 26 MRSA c. 11, first 2 lines, are repealed and the following enacted in their place:

**CHAPTER 11  
APPRENTICESHIP  
SUBCHAPTER I  
GENERAL PROVISIONS**

Sec. 19. 26 MRSA c. 11, sub-c. II is enacted to read:

**SUBCHAPTER II  
APPRENTICESHIP PROGRAMS FOR  
RECIPIENTS OF  
AID TO FAMILIES WITH DEPENDENT CHILDREN**

**§ 1010. Establishment**

There shall be established within the Bureau of Labor and under the jurisdiction of the State Apprenticeship and Training Council a program to develop apprenticeship contracts exclusively for the training and education of recipients of Aid to Families with Dependent Children. The purpose of this program is to provide these persons with the opportunity to be trained in a trade of skill which will eliminate their need for public assistance.

Apprenticeship contracts developed under this subchapter shall be approved by the State Apprenticeship and Training Council and shall in all respects be subject to the same labor standards as all other contracts approved by that body.

These contracts shall be developed in addition to those developed and registered



under subchapter I and shall be maintained exclusively for the purposes described in this section.

#### § 1011. Preapprenticeship training

There shall be established a preapprenticeship training program to assist all persons seeking to become apprentices under this subchapter in gaining whatever skills are necessary to meet the qualifying standards for these apprenticeships. This program shall offer remedial academic and vocational instruction, programs to prepare and encourage women to enter traditionally male employment, preparatory trade training and all other programs necessary to prepare candidates for apprenticeships.

#### § 1012. Affirmative action

1. **Age.** Any person whose age exceeds the maximum age for admission to a program registered under this subchapter, but who is otherwise eligible for the program, shall be admitted where that action assists in achieving the purposes of this subchapter.

2. **Sex.** Programs under this subchapter shall be subject to the same affirmative action as is required by law for all apprenticeships developed by the State Apprenticeship and Training Council.

#### § 1013. Coordination

The State Apprenticeship and Training Council shall establish procedures for the coordination of programs developed under this subchapter with the Maine Aid to Families with Dependent Children Coordinating Committee established in Title 5, section 1952, including the placement in apprenticeships of those persons referred to them by the Work Incentive Program.

### STATEMENT OF FACT

Maine has not been successful in developing adequate job training and educational opportunities for Aid to Families with Dependent Children recipients. Last year the program designed to do this, the Work Incentive Program, found jobs for only 10% of its 7,000 registrants. The average wage paid in these jobs was \$3.25 an hour. Placements were largely in industries with high turnover.

This is not the kind of "work opportunity" that enables people to end their dependency on welfare.

The reasons for this are several. Work Incentive Program focuses almost exclusively on immediate job placement. Since the majority of Aid to Families with Dependent Children recipients have limited vocational and educational training, this means earning minimum wage or less, with little, if any, opportunity for advancement.

The State of Maine uses tax dollars to provide education and training for its

citizens. It also uses tax dollars to support its Aid to Families with Dependent Children families. Yet it makes no effort to integrate these 2 functions enabling state supported training and education to become a vehicle to assist families in eliminating their need for welfare.

This bill is designed to change these things.

This bill declares it to be the public policy of the State to use all of its resources to help people escape dependency on public assistance. It maximizes the use of federal dollars to create a coordinated approach for providing training and education to recipients of Aid to Families with Dependent Children. It does so by establishing an Aid to Families with Dependent Children Coordination Committee made up of the Commissioners of Education, Manpower Affairs and Human Services, or their designees, which will operate a unified Work Incentive Program and oversee the following efforts.

1. Establish ties with the University of Maine system and vocational-technical institutes that assure and facilitate placement of qualified Aid to Families with Dependent Children recipients in their various programs.

2. Make accessible prevocational and remedial programs necessary to prepare Aid to Families with Dependent Children recipients for university or vocational school admission.

3. Create a new apprenticeship program within the State Apprenticeship and Training Council exclusively for recipients of Aid to Families with Dependent Children.

4. Support and assist Aid to Families with Dependent Children recipients in obtaining waivers from federal regulations where appropriate in order to allow them to participate in training programs of more than one year.

5. Insure that Work Incentive Program registrants are provided with the services necessary to allow them to participate in educational or employment programs including reimbursement for travel, day care, counseling and information and assistance in receiving financial aid.

6. Use state development programs such as the Maine Guarantee Authority, the State Development Office and the Maine Development Foundation to create job opportunities for qualified Aid to Families with Dependent Children recipients.

Proposed reductions in assistance at the federal level make it essential for Maine to act now to offer Aid to Families with Dependent Children recipients the opportunity for self-sufficiency. Without requiring huge new appropriations, but only pulling together and committing the state's existing programs, institutions and resources. This bill will take a great stride giving many people a chance to do what they sincerely wish to do; live productively without the need for public assistance.