

MAINE STATE LEGISLATURE

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L.D. 864
(Filing No. H-271)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
112TH LEGISLATURE
FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "*A*" to H.P. 594, L.D. 864,
Bill, "AN ACT to Assist Workers' Displaced from Em-
ployment by Imports."

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Amend the bill by inserting after the title the
following:

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'Emergency preamble. Whereas, Acts of the Legis-
lature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

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Whereas, the State has suffered severe job losses
because of the increasing number of foreign-made
products entering the United States, including the
loss of over 4,000 jobs in the shoe industry alone in
the past 4 years; and

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Whereas, the loss of these jobs causes great
hardship to the former workers and their families and
increases the burden upon the public in general; and

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Whereas, there has been limited knowledge of and
confusion regarding certain federal programs designed
to help retrain and reemploy these displaced workers,
resulting in missed opportunities and unnecessary de-
lay in taking advantage of these programs; and

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Whereas, in the judgment of the Legislature,
these facts create an emergency within the meaning of
the Constitution of Maine and require the following
legislation as immediately necessary for the preser-
vation of the public peace, health and safety; now,
therefore, be it further'

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Further amend the bill by striking out everything
after the enacting clause and inserting in its place
the following:

COMMITTEE AMENDMENT "A" to H.P. 594, L.D. 864

1 'Sec. 1. 26 MRSA §1164, as amended by PL 1983,
2 c. 351, §15, is further amended to read:

3 §1164. Special Administrative Expense Fund

4 The Special Administrative Expense Fund, as here-
5 tofore created, shall be a special fund in the State
6 Treasury. All interest, fines and penalties collected
7 under this chapter, together with any voluntary con-
8 tributions tendered as a contribution to this fund,
9 shall be paid into this fund. The moneys shall not
10 be expended or available for expenditure in any man-
11 ner which would permit their substitution for or a
12 corresponding reduction in federal funds which would
13 in the absence of said moneys be available to finance
14 expenditures for the administration of the Employment
15 Security Law. Nothing in this section ~~shall~~ may pre-
16 vent the moneys from being used as a revolving fund
17 to cover expenditures, necessary and proper under the
18 law, for which federal funds have been duly requested
19 but not yet received, subject to the charging of
20 those expenditures against those funds when received.
21 The moneys in this fund shall be used by the commis-
22 sioner either for the payment of costs of administra-
23 tion which are found not to have been properly and
24 validly chargeable against federal grants or other
25 funds received for or in the Employment Security Ad-
26 ministration Fund on or after January 1, 1943; ~~or,~~ to
27 finance the Maine Wage Assurance Fund established in
28 section 632; or for the payment of costs of adminis-
29 tering chapter 26, for which federal funds are not
30 available. The moneys shall be available either to
31 satisfy the obligations incurred by the bureau di-
32 rectly or by requesting the Treasurer of State to
33 transfer the required amount from the Special Admin-
34 istrative Expense Fund to the Employment Security Ad-
35 ministration Fund or the Maine Wage Assurance Fund.
36 The Treasurer of State shall upon receipt of a writ-
37 ten request of the commissioner make any such trans-
38 fer. The commissioner shall give notice to the com-
39 mission prior to any expenditures from this fund.

COMMITTEE AMENDMENT "A" to H.P. 594, L.D. 864

1 The commissioner shall order the transfer of the
2 funds or the payment of any such obligation and the
3 funds shall be paid by the Treasurer of State on re-
4 quisitions drawn by the commissioner directing the
5 State Controller to issue his warrant therefor. Any
6 such warrant shall be drawn by the State Controller
7 based upon bills of particulars and vouchers certi-
8 fied by an officer or employee designated by the com-
9 missioner. The moneys in this fund are specifically
10 made available to replace, within a reasonable time,
11 any moneys received by this State pursuant to section
12 302 of the Federal Social Security Act as amended,
13 which because of any action or contingency, have been
14 lost or have been expended for purposes other than,
15 or in amounts in excess of, those necessary for the
16 proper administration of the Employment Security Law.
17 The moneys in this fund shall be continuously availa-
18 ble to the commissioner for expenditure in accordance
19 with this section and shall not lapse at any time or
20 be transferred to any other fund except as provided.
21 Any moneys in the Special Administrative Expense Fund
22 may be used to make refunds of interest, penalties or
23 fines erroneously collected and deposited in the Spe-
24 cial Administrative Expense Fund. On June 30th of
25 each year all moneys in excess of \$100,000 in this
26 fund shall be transferred to the Unemployment Compens-
27 ation Fund, except that on June 30, 1985, all money
28 in excess of \$100,000 in this fund shall be placed in
29 a Dislocated Workers Fund to be used in fiscal year
30 1985-86 to provide training and supportive services
31 for persons displaced from employment by imports in
32 accordance with chapter 26. Eligibility for assist-
33 ance shall not be related to an individual's income
34 or resources.

35 Sec. 2. 26 MRSA c. 26 is enacted to read:

36 CHAPTER 26

37 TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

38 §2051. Trade adjustment assistance for workers

1 The Department of Labor may administer and oper-
2 ate a program of trade adjustment assistance to work-
3 ers as provided under United States Trade Act of
4 1974, Title II, Chapter 2, Public Law 93-618, Title
5 19, United States Code, Sections 2271 to 2322, re-
6 ferred to in this subchapter as the Act and any
7 amendments and additions to the Act. The commis-
8 sioner may promulgate rules in accordance with the Maine
9 Administrative Procedure Act, Title 5, chapter 375,
10 to establish procedures implementing the Act.

12 The commissioner shall bring an action on behalf
13 of one or more employees in any court of competent
14 jurisdiction to challenge any adverse determination
15 on a petition for certification, or part thereof,
16 filed under the Act when he believes that determina-
17 tion to be erroneous.

19 The commissioner shall report to the Legislature
20 on January 1, 1986, on the use of funds authorized to
21 be used for training and supportive services under
22 section 1164. The commissioner shall also report on
23 the training needs of other persons eligible for as-
24 sistance under this chapter or Title III of the
25 United States Job Training Partnership Act.

29 1985-86

31	Dislocated Workers Program	\$200,000
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COMMITTEE AMENDMENT "A" to H.P. 594, L.D. 864

1 in the preamble, this Act shall take effect when ap-
2 proved.'

3 STATEMENT OF FACT

4 For many years Maine has suffered job loss be-
5 cause of the increasing number of foreign made
6 products entering the United States. Within the last
7 4 years, over 4,000 jobs have been lost in the shoe
8 industry for this reason. Many shoeworkers have
9 spent their entire work life in that industry and
10 need retraining in order to be able to compete effec-
11 tively in the changing labor market. The United
12 States Trade Act of 1974 provides assistance to work-
13 ers displaced from employment because of imports, but
14 many affected workers are unaware of the means by
15 which they may petition for or take advantage of as-
16 sistance provided under the Act. Further, federal
17 resources available for retraining under the Act have
18 been severely limited in recent years.

19 This amendment requires the Commissioner of Labor
20 to make rules implementing the provisions of the Act
21 and it authorizes funds from the Department of Labor
22 Special Administrative Expense Fund to be used to pay
23 for the cost of administering any requirements of
24 this bill for which federal funds are not available
25 and requires all money in excess of \$100,000 in that
26 account on June 30, 1985, to be placed in the dislo-
27 cated worker funds to provide training and supportive
28 services for dislocated workers. The money trans-
29 ferred to this account are accumulated from fines,
30 interest and penalties paid as required by Maine's
31 employment security law and is not General Fund mon-
32 ey. The commissioner is required to report back to
33 the Legislature on January 1, 1986, on the use of
34 this money and the need for any additional future
35 funding for job training.

Reported by the Committee on Labor
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