

MAINE STATE LEGISLATURE

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L.D. 1634

(Filing No. H-398)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 1199, L.D. 1634,
Bill, "AN ACT to Amend the Duties of the Commissioner
of Labor."

Amend the Bill by striking out all of the title
and inserting in its place the following:

'AN ACT to Amend the Duties of the Commissioner
of Labor, and Establish a Maine Human Resource Devel-
opment Council.'

Amend the Bill by striking out everything after
the enacting clause and inserting in its place the
following:

'Sec. 1. 26 MRSA §1401, first ¶, as amended by
PL 1983, c. 650, §3, is further amended to read:

There is created and established the Department
of Labor to achieve the most effective utilization of
the employment and training resources in the State by
developing and maintaining an accountable state em-
ployment and training policy, by insuring safe work-
ing conditions and protection against loss of income
and by enhancing the opportunities of individuals to
improve their economic status, to consist of a Com-
missioner of Labor appointed by the Governor, subject
to review by the joint standing committee of the Leg-
islature having jurisdiction over labor and to con-
firmation by the Legislature, to serve at the plea-
sure of the Governor, and the following as is created
and established: The Unemployment Insurance Commis-
sion, the Bureau of Employment Security, the Bureau
of Labor Standards, the Bureau of Employment and
Training Programs, ~~the Maine Job Training Council~~ the
Human Resource Development Council, the Private In-
dustry Council staff, the Employment and Training

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1 staff and such other advisory, planning and coordi-
2 nating council staff, and such other advisory, plan-
3 ning and coordinating committees as the commissioner
4 deems necessary to carry out the purposes of the
5 statute law.

6 Sec. 2. 26 MRSA §1401, sub-§2, ¶F, as repealed
7 and replaced by PL 1983, c. 650, §4, is repealed.

8 Sec. 3. 26 MRSA §2004, sub-§§1, 3 and 4, as en-
9 acted by PL 1983, c. 258, §1, is amended to read:

10 1. Budget. May review the budgets of grant re-
11 cipients and make written comments to the recipients,
12 its private industry council, the ~~State-Job-Training~~
13 ~~Coordinating-Council~~ Human Resource Development Coun-
14 cil, the Governor or the legislative committee having
15 jurisdiction over allocation of funds;

16 3. Plans, policies, standards. Shall review and
17 comment on all plans, policies and standards proposed
18 by any private industry council, the ~~State-Job-Train-~~
19 ~~ing--Coordinating--Council~~ Human Resource Development
20 Council, the Governor or any other agency under the
21 Act before final approval by the responsible agency;

22 4. Reports. Shall receive all reports prepared
23 by any private industry council, the ~~State-Job-Train-~~
24 ~~ing--Coordinating--Council~~ Human Resource Development
25 Council, the Governor or any other agency in connec-
26 tion with implementation of the Act;

27 Sec. 4. 26 MRSA §2005 is enacted to read:

28 §2005. Establishment of the Human Resource Develop-
29 ment Council

30 1. Responsibilities. The Human Resource Devel-
31 opment Council shall perform all duties and responsi-
32 bilities of the State Job Training Coordinating Coun-
33 cil as defined in the United States Job Training
34 Partnership Act, Section 122.

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1 2. Purpose. The purpose of the Human Resource
2 Development Council is to enable the implementation
3 of state human resource development goals which in-
4 clude, but are not limited to:

5 A. Developing a multiagency cooperative ap-
6 proach;

7 B. Creating greater coordination between econom-
8 ic development and human resource development
9 agencies;

10 C. Enhancing employment and training services
11 for groups traditionally not part of the economic
12 mainstream;

13 D. Coordinating with secondary and
14 post-secondary educational systems to improve
15 transition from school to work; and

16 E. Increasing retraining and upgrading opportu-
17 nities for the State's workers.

18 3. Membership. The council shall be composed of
19 30 members appointed by the following and serving at
20 the pleasure of the appointing authority. Appoint-
21 ments, consistent with the requirements of the United
22 States Job Training Partnership Act, Section
23 122(a)(2), shall represent the following sectors.

24 The Governor shall appoint:

25 A. Ten representatives from the private sector.
26 Those members shall be chief executive officers
27 or executives who hold high-level management po-
28 sitions, including one current member from each
29 existing Private Industry Council who represents
30 the private sector;

31 B. Six representatives of state bodies. The
32 Commissioner of Labor, the Commissioner of Human

1 Services, the Commissioner of Educational and
2 Cultural Services and the Director of the State
3 Development Office shall also serve as members.
4 The 2 additional members shall each represent the
5 University of Maine System and the Maine Voc-
6 ational-Technical Institute System;

7 C. Six representatives from local government.
8 Those representatives shall be nominated by the
9 chief elected officials of their parent units of
10 local government; and

11 D. Six representatives of various public groups.
12 Those members shall represent the following
13 groups: A community-based organization, a local
14 education agency, a labor organization, the eli-
15 gible population and 2 representatives of the
16 general public; and

17 Two representatives of the Legislature shall serve on
18 the council: The Speaker of the House, or his desig-
19 nee; and the President of the Senate, or his desig-
20 nee.

21 4. Officers. The Governor shall appoint a
22 chairman and vice-chairman from the private sector
23 executive membership of the council to serve for a
24 one-year term. The Governor may reappoint officers.

25 5. Function and duties of the council. The
26 council shall carry out the following duties:

27 A. Following the general requirements of the
28 State Human Resource Development Policy, identi-
29 fy, in cooperation with appropriate state agen-
30 cies and other interested parties such as the
31 Private Industry Council, the employment and
32 training and vocational education needs through-
33 out the State;

34 B. Shall assess the extent to which employment
35 and training, vocational education, welfare re-

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1 ipient job training, rehabilitation services,
2 public assistance, economic development and other
3 federal, state and local programs represent a
4 consistent, intergrated and coordinated approach
5 to the delivery of those services;

6 C. Based on its assessment of the need for bet-
7 ter coordination of the delivery of services
8 listed in paragraph A, recommend to the Governor
9 and Legislature the "Human Resource Development
10 Coordination Criteria" affecting agencies in-
11 volved with human resource development. This
12 document shall contain the elements of the United
13 States Job Training Partnership Act, Section 121,
14 and shall also contain coordination requirements
15 derived form the State Human Resources Develop-
16 ment Policy.

17 The coordination requirements of the "Human Re-
18 source Development Coordination Criteria" shall
19 be communicated to affected state, federal and
20 local agencies through planning instructions is-
21 ssued by the Department of Labor;

22 D. Review the plans of all state agencies iden-
23 tified in the "Human Resource Development Coordi-
24 nation Criteria."

25 The council shall advise the Governor and Legis-
26 lature on these plans and certify the consistency
27 of such plans with the criteria contained in the
28 "Human Resource Development Coordination Crite-
29 ria."

30 The council shall also review and comment, annu-
31 ally, on the reports required pursuant to the
32 Carl D. Perkins Vocational Education Act of 1984,
33 Public Law 98-524, Sections 113(b)(9), 113(c)(1)
34 and 114(a)(1), as amended, and review and comment
35 on the state plan developed by the state employ-
36 ment service agency;

1 E. Recommend to the Governor an annual State Hu-
2 man Resource Development Plan, which shall de-
3 scribe the human resource development services
4 and numbers of participants to be served by all
5 agencies identified in the "Human Resource Devel-
6 opment Coordination Criteria;"

7 F. Review the operation of programs identified
8 in the State Human Resource Development Plan in
9 order to determine the responsiveness, adequacy
10 and coordination of such programs.

11 The council shall make recommendations to the
12 Governor, the Legislature and other interested
13 entities with respect to ways to improve the ef-
14 fectiveness of such programs;

15 G. Prepare an annual report to the Governor and
16 Legislature, which shall be a public document and
17 issue such other studies, reports or documents it
18 deems advisable in carrying out the purposes of
19 this section; and

20 H. Perform the following additional duties:

21 (1) Recommend to the Governor and Legisla-
22 ture substate service delivery areas;

23 (2) Recommend resource allocations under
24 the United States Job Training Partnership
25 Act, Titles I and II, that are not subject
26 to the United States Job Training Partner-
27 ship Act, Sections 202(a);

28 (3) Develop appropriate relationships with
29 other programs;

30 (4) Coordinate activities with Private In-
31 dustry Councils; and

32 (5) Recommend variations in performance
33 standards. Such recommendations shall be

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1 contained in the "Human Resource Development
2 Coordination Criteria."

3 6. Powers. The council shall have the necessary
4 authority to carry out the purposes of this section.

5 7. Terms of members. One-third of the initial
6 gubernatorial appointments shall serve for a one-year
7 term and a 2nd 1/3 of the initial gubernatorial ap-
8 pointments shall serve for a 2-year term. The term
9 of the final 1/3 of such gubernatorial appointments
10 shall be 3 years.

11 Following the initial appointment, the Governor may
12 appoint members to additional 3-year terms. Members
13 shall serve until a successor is appointed. Selec-
14 tion shall be in a manner consistent with that of the
15 original appointment.

16 Legislative members shall serve for 2-year terms con-
17 current with legislative session.

18 8. Committee structure. The council shall cre-
19 ate standing committees to address specific problems
20 and issues and whose membership shall consist of up
21 to 12 members, of which 4 shall be noncouncil mem-
22 bers, excluding the planning and coordination and ex-
23 ecutive committies. The noncouncil committee members
24 shall be appointed by the chairman and shall include
25 representatives and clients of the services provided
26 by the various organizations subject to the council's
27 review and shall be sufficient to ensure fair repre-
28 sentation of those interests.

29 9. Meetings. The council shall meet at such
30 times and such places as it deems necessary. The
31 meetings shall be publicly announced and open to the
32 general public.

33 A majority of members of the council shall constitute
34 a quorum for the transaction of business.

1 10. Administration. The Department of Labor
2 shall be the fiscal agent for the council. Pursuant
3 to his authority under Title 5, subchapter I, as the
4 Commissioner of Labor may appoint such employees as
5 he deems necessary to carry out the State's responsi-
6 bility under this section.

7 The Commissioner of Labor is authorized to promulgate
8 rules, in accordance with the Maine Administrative
9 Procedure Act, Title 5, chapter 375, as may be neces-
10 sary to carry out the State's responsibility under
11 this section.

12 The council shall establish bylaws for its govern-
13 ance. Such bylaws shall be subject to the Governor's
14 approval.

15 The council shall replace the Maine Job Training
16 Council on or before July 1, 1987.

17 11. Compensation. Members of the council shall
18 receive no compensation for their services. Reim-
19 bursement of necessary expenditures incurred in the
20 performance of their duties on the council which are
21 allowed by state law shall be administered by the De-
22 partment of Labor with funds provided by the United
23 States Job Training Partnership Act or other federal
24 or state appropriations made pursuant thereto.'

25 STATEMENT OF FACT

26 The Maine Job Training Council was established
27 pursuant to Executive Order No. 9, fiscal year
28 1982-83. The council was created in order to comply
29 with the United States Job Training Partnership Act,
30 JTPA, of 1982, Public Law 97-300, as amended, and to
31 receive federal funds supplied under that Act.

32 Authority to administer the federal program for
33 this State was delegated under Executive Order No. 9,

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1 fiscal year 1982-83, to the Commissioner of Labor.
2 Specific statutory provisions dealing with adminis-
3 tration of the United States Job Training Partnership
4 Act are supplied under the Maine Revised Statutes,
5 Title 26, section 2001. Pursuant to Public Law 1983,
6 chapter 650, the Commissioner of Labor was authorized
7 to appoint various personnel to serve at his plea-
8 sure, including the Director of the Maine Job Train-
9 ing Council.

10 This amendment amends the duties of the Commis-
11 sioner of Labor as provided in Title 26, section
12 1401, by deleting all references to the Maine Job
13 Training Council to reflect the rescission of Execu-
14 tive Order No. 9 fiscal year 1982-83, and establishes
15 a new Title 26, section 2004, which creates a
16 30-member Maine Human Resource Development Council,
17 as directed by Executive Order No. 16, fiscal year
18 1986-87. The Maine Human Resource Development Coun-
19 cil will be responsible for the implementation of a
20 comprehensive statewide human resource development
21 plan integrating all state and federal employment and
22 training resources. In addition, this amendment cre-
23 ates a new Title 26, section 2005, which is identical
24 to the former section 2004.

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Filed by Rep. Crowley of Stockton Springs
Reproduced and distributed under the direction of the Clerk of the
House

6/17/87

(Filing No. H-398)