

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2450

H.P. 1789 House of Representatives, March 4, 1988
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Labor suggested and ordered
printed.

EDWIN H. PERT, Clerk
Presented by Representative BOST of Orono.
Cosponsored by Senator DUTREMBLE of York, Representative
McHENRY of Madawaska, and Speaker MARTIN of Eagle Lake.

STATE OF MAINE

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

1 AN ACT to Create the Technology Retraining
2 Investment Fund.
3

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

6 Sec. 1. 5 MRSA §12004, sub-§7, ¶A, sub-¶(14) is
7 enacted to read:

8 (14) Technology Retraining Expenses Only 26 MRSA

1 the point of termination has received the wages for
2 the past 4 quarterly periods from the employer or a
3 predecessor; and who is otherwise eligible for
4 unemployment benefits, excluding any individual
5 employed by an employer engaged in a seasonal
6 enterprise as defined by the chairman.

7 8. Employer. "Employer" means an individual,
8 corporation or other private business entity, whether
9 for profit or nonprofit, which owns or operates a
10 facility at least one year, except an employer engaged
11 in a seasonal enterprise as defined by the chairman.

12 9. Facility. "Facility" means a plant, factory,
13 commercial business, institution or other place of
14 employment located in this State which had 50 or more
15 employees during any month in the 6-month period prior
16 to the date of certification.

17 10. Fund. "Fund" means the Technology Retraining
18 Investment Fund, established by section 1155, to
19 finance reemployment assistance benefits.

20 11. Partial closing. "Partial closing" means a
21 permanent cessation of a major discrete portion of the
22 business conducted at a facility which results in the
23 termination of a significant number of the employees
24 of the facility and which affects workers and
25 communities in a manner similar to that of plant
26 closings.

27 12. Plant closing. "Plant closing" means a
28 permanent cessation or reduction of business at a
29 facility which results or will result as determined by
30 the chairman in the permanent separation of at least
31 90% of the employees of the facility within a period
32 of 6 months prior to the date of certification or
33 within such other period as the chairman shall
34 prescribe, provided that the period shall fall within
35 the 6-month period prior to the date of certification.

36 13. Recipient. "Recipient" means any
37 institution, corporation or other establishment which
38 agrees to train employees in a skill.

1 14. Reemployment assistance program.
2 "Reemployment assistance program" means the regional
3 and plant-specific services provided pursuant to
4 section 1154 for the purpose of assisting employees
5 terminated by plant closings and partial closings to
6 secure new jobs or training.

7 15. Termination. "Termination" means the
8 permanent layoff of an employee from the employ of an
9 employer, provided that an employee who is offered
10 continued suitable employment by the employer at
11 another workplace owned or operated by the employer
12 shall not be deemed to have been laid off.

13 §1152. Closing of facility; report; certification;
14 hearing

15 1. Closing report. Every employer who is closing
16 a facility shall promptly report to the chairman, in
17 such form and manner as the chairman prescribes, such
18 information as may be necessary to determine the
19 rights of an employee to reemployment assistance
20 benefits under this subchapter.

21 2. Certification. The chairman, after making
22 such inquiries and investigations as the chairman
23 considers necessary, shall certify whether a plant
24 closing has occurred or will occur. The chairman
25 shall give notice of determination regarding
26 certification to the employer and, if the employees
27 are represented by a labor union, to the union and to
28 any other person or organization that the chairman
29 determines is an interested party.

30 3. Hearing. Any interested party notified of a
31 determination under this section may request a hearing
32 within 10 days after mailing of the notice of the
33 determination. If a hearing is requested, the
34 chairman or the chairman's authorized representative
35 shall afford all interested parties a reasonable
36 opportunity for a fair hearing.

37 4. Reports. The chairman shall report, from time
38 to time, to the Director of Employment Security and
39 the council any determination or decision made

1 pursuant to this section and may provide that
2 information to any other interested individual or
3 organization.

4 §1153. Partial closing; identification; benefits

5 1. Partial closing. The chairman, in
6 consultation with the Department of Labor, shall
7 identify and assess various categories of partial
8 closings.

9 2. Identification. The chairman, by rule, shall
10 identify those partial closings which the chairman
11 considers to fall within the provisions of this
12 subchapter.

13 3. Benefits. Employees whose employment is
14 terminated in covered partial closings established by
15 the chairman shall be eligible for the reemployment
16 assistance benefits established by section 1157.

17 §1154. Technology Retraining Commission

18 1. Commission established. The Technology
19 Retraining Commission, as established in Title 5,
20 section 12004, subsection 7, is created.

21 2. Membership. The commission shall be composed
22 of 6 representatives of either a specific business
23 concern or an industry in general and 7
24 representatives of the employees involved or a labor
25 union. These members shall be appointed by the
26 Governor.

27 3. Terms; compensation. Each representative
28 shall serve 2-year terms. The members shall be
29 compensated only for necessary expenses incurred.

30 4. Duties of commission. The commission shall
31 have the following duties and may adopt rules as
32 necessary, in accordance with the Maine Administrative
33 Procedure Act, Title 5, chapter 375.

34 A. The commission shall accept applications from
35 interested employers and employees to establish

1 local technology retraining funds.

2 B. The commission shall establish a reemployment
3 assistance program to provide counseling,
4 placement, training and any other service
5 considered necessary, to employees terminated in
6 plant closings and partial closings, which will
7 lead to the reemployment of these employees.
8 These services shall be provided either at a plant
9 closing site, at local offices of the Bureau of
10 Employment Security or at a site provided by any
11 other appropriate agency.

12 C. The commission shall appoint program
13 coordinators, who shall administer the technology
14 retraining program at each program location.

15 (1) The program coordinator may be a
16 representative either of the employer or
17 employee.

18 (2) The program coordinator shall ensure
19 that every qualified employee has an
20 opportunity for retraining in a field of the
21 employee's choice.

22 (3) The program coordinator shall make
23 disbursements from the fund to a qualified
24 recipient on behalf of an employee up to
25 double the amount the employee contributed.

26 D. The commission shall submit an annual report
27 on the existent funds and the status of the
28 investments.

29 §1155. Technology Retraining Investment Fund

30 1. Fund established. There is established a
31 nonlapsing fund to be known as the Technology
32 Retraining Investment Fund. The fund shall provide
33 financial resources which shall be used to retrain
34 employees in the following circumstances:

35 A. If the nature of the industry or the product
36 manufactured changes drastically;

- 1 B. If the company closes an operations plant;
2 C. If the company discontinues the use of certain
3 machinery or equipment; or
4 D. Any other circumstance the commission deems
5 worthy.

6 2. Source of funds; matching contribution. Any
7 employee of an eligible employer may contribute to the
8 fund. Each employee's contribution shall be matched
9 by a contribution by the employer in the same amount.
10 If an employee chooses to participate in the program,
11 a specific amount of money shall be withdrawn from the
12 employee's regular paycheck and those funds shall be
13 directly deposited in an interest-bearing account.
14 Those funds shall not be considered property of the
15 business or corporation or of the union or private
16 employees.

17 A. The commission shall be responsible for the
18 establishment and control of the fund.

19 3. Investment. The Treasurer of State shall
20 invest the funds in accordance with Title 5, section
21 138.

22 §1156. Termination

23 Any employee who participates in the fund may
24 terminate that involvement with the fund and receive a
25 refund equal to the employee's contribution if:

26 1. Leave job. The employee is voluntarily
27 leaving a position with the initial employer, or the
28 employee is being dismissed or retired; or

29 2. Duress. The employee is in a situation of
30 financial duress, which shall be decided by the
31 commission.

32 §1157. Eligibility and credit for reemployment
33 assistance benefits

