

# MAINE STATE LEGISLATURE

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L.D. 2494

(Filing No. H- 750)

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

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HOUSE AMENDMENT "<sup>B</sup>" to S.P. 946, L.D. 2494, Bill,  
"AN ACT to Establish the Strategic Training for  
Accelerated Reemployment Program."

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

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'Sec. 1. 26 MRSA §2011, as enacted by PL 1987,  
c. 466, §3, is amended to read:

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§2011. Funds

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All funds under this subchapter shall be  
distributed among the State's 2 Job Training  
Partnership Act service delivery areas. Funds will be  
allocated to the State's 2 private industry  
councils serving all counties. The Department of Labor  
shall distribute these funds to the private industry  
councils, in the 2 service delivery areas, on a  
county-based formula determined by the Department of  
Labor.

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Sec. 2. 26 MRSA §2012, sub-§1, as enacted by PL  
1987, c. 466, §3, is amended to read:

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1. Submission of plan to Governor and  
Legislature. Each private industry council shall  
submit its annual plan to the Governor and to the

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1 Legislature according to the requirements of section  
2 1004, "Job Training Plan" and section 105, "Review and  
3 Approval of Plan" of the United States Job Training  
4 Partnership Act, Public Law 97-300, before funds may  
5 be provided to the private industry council under this  
6 subchapter.

7 A. The Commissioner of Labor shall adopt rules to  
8 implement the provisions of this subchapter in  
9 accordance with the Maine Administrative Procedure  
10 Act, Title 5, chapter 375.

11 B. The commissioner shall provide for public  
12 notice and comment with respect to the plan to be  
13 submitted to the Governor. The public notice and  
14 comment procedures shall be consistent with those  
15 procedures established in the Maine Administrative  
16 Procedure Act, Title 5, chapter 375.

17 Sec. 3. 26 MRS §2015-A is enacted to read:

18 §2015-A. Strategic Training for Accelerated  
19 Reemployment Program

20 1. Program title. The program established in  
21 this section shall be known and may be cited as "STAR."

22 2. Program goals. The purpose of this section is  
23 to establish an employment training program to provide  
24 unemployed or displaced workers with skills training  
25 and support which lead to jobs in stable and expanding  
26 industries, as well as support services so that  
27 individuals are able to take advantage of educational  
28 and training opportunities. A further purpose of the  
29 STAR program is to provide employers with trained  
30 workers by ensuring that the training provided is  
31 consistent with the needs of employers.

32 3. Administration. The Department of Labor shall  
33 administer the STAR program. The commissioner shall  
34 adopt rules under the Maine Administrative Procedure  
35 Act, Title 5, chapter 375, to implement the STAR  
36 program.

37 4. Funding. STAR shall be funded by General Fund  
38 appropriations. Grant funds shall be distributed in

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1 the following manner.

2 A. During the first year of the STAR program, up  
3 to 14% of the funds may be used for grant  
4 administration. In the 2nd and subsequent years  
5 of the STAR program, up to 10% of the funds may be  
6 used for grant administration.

7 B. The Bureau of Employment and Training Programs  
8 shall reserve 5% of the funds for emergency  
9 programs to deal with plant closings, mass layoffs  
10 or other needs as designated by the commissioner.

11 C. Each county shall receive an annual  
12 allocation, 50% of which shall be based on the  
13 number of individuals unemployed during the  
14 calendar year preceding the program year and 50%  
15 of which shall be based on the unemployment rate  
16 during the calendar year preceding the program  
17 year.

18 D. No service delivery area may be allotted less  
19 than 90% of its allotment percentage for the  
20 preceding program year.

21 5. Participant eligibility. To be eligible to  
22 participate in the STAR program, an individual must  
23 not have received STAR services during the preceding  
24 24-month period. In addition, an individual must:

25 A. Be unemployed and receiving unemployment  
26 compensation benefits at the time of application  
27 and have registered for the STAR program prior to  
28 the end of the 8th week of collecting unemployment  
29 compensation benefits, except that an individual  
30 may register after that time, if that individual  
31 reasonably expected to return to that person's  
32 prior employment or occupation or for other good  
33 cause as determined by rules adopted by the  
34 commissioner, pursuant to the Maine Administrative  
35 Procedure Act, Title 5, chapter 375. An exception  
36 to the time limitation may be granted for good  
37 cause shown. The commissioner shall establish  
38 standards to determine good cause. The  
39 commissioner's decision is final agency action  
40 under Title 5, section 11002, for purposes of  
41 judicial review;

1           B. Have received notice of pending job  
2           displacement due to either a reduction in overall  
3           employment within a business or a substantial  
4           change, due to technological or other reasons, in  
5           the skills required of an ongoing job; or

6           C. Have received unemployment compensation  
7           benefits between January 1, 1988, and July 1,  
8           1988, and register for the STAR program by August  
9           31, 1988.

10          6. Participant certification. Participants in  
11          the STAR program shall be certified as follows.

12           A. Claimants shall receive both written and oral  
13           notice of the STAR program when they apply for  
14           unemployment compensation benefits. The notice  
15           shall explain the program's eligibility  
16           requirements, the importance of entering training  
17           early in a claimant's term of unemployment, the  
18           availability of unemployment compensation benefits  
19           to claimants in approved training and the  
20           availability of extended benefits for dislocated  
21           workers in approved training for up to 26 weeks.  
22           Interested individuals shall be referred to the  
23           Maine Job Service for a determination of  
24           eligibility and referral to testing and counseling  
25           centers.

26           B. Service providers under the United States Job  
27           Training Partnership Act, Public Law 97-300, shall  
28           provide assessment services to eligible STAR  
29           participants in accordance with annual contracts  
30           negotiated between the service delivery areas and  
31           the Bureau of Employment and Training Programs.  
32           These services shall include a review of previous  
33           employment, education and training. Academic and  
34           vocational testing may be provided, as well as  
35           occupational counseling.

36           C. At the end of the assessment process, an  
37           individual employment plan shall be developed for  
38           each participant based on the results of the  
39           assessment, the participant's occupational

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1 preference and the occupational opportunities  
2 available as determined under subsection 9,  
3 including opportunities in nontraditional  
4 occupations. Participants may choose among  
5 training opportunities provided under subsection  
6 7, provided that that choice is appropriate for  
7 the occupation identified in their employability  
8 development plan. The plan shall identify the  
9 occupation selected and what additional training  
10 and education is necessary. If the occupation is  
11 one for which an apprenticeship program may be  
12 available, the State Apprenticeship and Training  
13 Council shall be notified, and shall determine  
14 what additional training or education may be  
15 necessary for indenturing in an apprentice program.

16 D. A STAR participant, who has been assessed and  
17 has received an individual employment plan, may be  
18 provided with a training voucher of up to \$3,000  
19 under subsection 8. This voucher will enable STAR  
20 participants to enter into training for  
21 occupations approved under subsection 9, paragraph  
22 A, to be conducted by training agents certified  
23 pursuant to subsection 9, paragraph D. The STAR  
24 voucher is valid for 12 weeks for STAR  
25 participants to enter training initially, unless  
26 an extension for cause is approved by the United  
27 States Job Training Partnership Act service  
28 providers.

29 7. Training opportunities. The following  
30 training options are available to STAR participants  
31 provided that occupational and skill training takes  
32 place in occupations approved under subsection 9:

33 A. Training in skills found in a traditional  
34 occupation that is in general demand throughout an  
35 area of industry. The training shall be conducted  
36 in a classroom setting;

37 B. Individualized skill training for a person who  
38 is hired and trained by a private or public  
39 employer. The employer shall provide the training  
40 through a contractual

1 arrangement which specifies the length of training  
2 and skills to be acquired. STAR shall reimburse  
3 the employer for up to 50% of the training costs  
4 incurred;

5 C. Customized occupational training in skills  
6 specific to an employer or group of employers.  
7 This training shall be developed around employment  
8 opportunities for which a demand is clearly  
9 demonstrated, for which opportunities exist for  
10 promotion or for which skills transferability is  
11 probable. Each participating employer must supply  
12 a formal commitment to hire the trained  
13 individuals upon completion of training. The  
14 employer shall participate in the design of the  
15 curriculum and the selection of the training. The  
16 employer shall pay 50% of the training costs and  
17 the STAR program shall pay the remaining 50%;

18 D. Employment competency training in  
19 preemployment skills. This component consists of  
20 structured activities designed to assess basic  
21 employment competency and to provide remedial  
22 training in such areas as job-seeking skills,  
23 interviewing and resume writing. Employment  
24 competency training may only be used if it leads  
25 to vocational skills training;

26 E. Training in academic and learning skills.  
27 This component consists of training aimed at  
28 correcting deficiencies in language and in  
29 computational skills or providing needed  
30 credentials that are recognized by employers and  
31 the educational community. Educational training  
32 shall be structured to provide the individual with  
33 the prerequisite level of education of the  
34 occupation identified on the individual's STAR  
35 certification. The duration of educational  
36 training shall be determined by the needs of the  
37 individual claimant; and

38 F. Enrollment in one or a combination of training  
39 opportunities is limited to 52 weeks duration  
40 except under the following

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1           conditions:

2                   (1) An employer guarantees placement and  
3                   contributes a minimum of 50% of the training  
4                   costs; or

5                   (2) A participant contributes a minimum of  
6                   50% of the training costs. For purposes of  
7                   this paragraph, any financial assistance  
8                   received by a participant for educational  
9                   purposes shall be counted towards that  
10                   participant's contribution.

11           8. Training and supportive services. STAR  
12           participants are eligible to receive the following  
13           training and supportive services:

14                   A. A training voucher of up to \$3,000 for the  
15                   following activities:

16                   (1) Tuition for education and training;

17                   (2) Training materials or books necessary for  
18                   participation in the training;

19                   (3) Payment for dependent care costs, provided  
20                   those costs do not exceed the prevailing regional  
21                   rate for such care; and

22                   (4) Travel payments according to the policies  
23                   established by the United States Job Training  
24                   Partnership Act service providers;

25                   B. Provided the participant meets the eligibility  
26                   requirements of sections 1192 and 1193, the  
27                   participant is entitled to the continuation of  
28                   unemployment compensation benefits while enrolled  
29                   in STAR training until the individual's benefits  
30                   are exhausted under employment security law; and

31                   C. While a participant is collecting unemployment  
32                   benefits or for the duration of the training  
33                   program which does not exceed one year, an  
34                   exception to the limitations set forth in  
35                   paragraph A shall be granted for



1 supportive services when additional funds for  
2 transportation and dependent care are necessary  
3 for the participant to complete the training  
4 specified in the individual employment plan and  
5 the participant is unable to purchase those  
6 services. The commissioner shall adopt rules  
7 under the Maine Administrative Procedure Act,  
8 Title 5, chapter 375, to determine the  
9 requirements for these exceptions.

10 9. Employment and training review panel. Each  
11 private industry council established under the United  
12 States Job Training Partnership Act shall establish an  
13 employment and training review panel. Each private  
14 industry council shall appoint a chairman and  
15 membership to the panels which shall each consist of 9  
16 members, including 3 representatives of business, 3  
17 representatives of labor, one representative of  
18 economic development, one representative of  
19 community-based organizations and one representative  
20 of the general public. The panels shall:

21 A. Annually identify occupations that are stable  
22 or subject to growth in their areas and approve  
23 them for STAR program eligibility. Approved  
24 occupations must meet the performance standards  
25 under paragraph C. All occupations included in  
26 the department's most recent edition of the  
27 publication "Selected Occupational Information for  
28 Employment and Training Program Design" for the  
29 appropriate county or counties shall be approved  
30 occupations. In addition, occupations may be  
31 approved as follows:

32 (1) The panel may approve occupations identified  
33 by the panel following an assessment of local  
34 economic factors; or

35 (2) STAR participants may petition the panel to  
36 approve an occupation;

37 B. Review the curricula for classroom and  
38 customized vocational training in their areas for  
39 consistency with employers' needs;

40 C. Set performance standards in their areas,

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1 including placement of participants in jobs, wage  
2 levels at placement, retention of employment and  
3 career ladder options; and

4 D. Annually certify the demonstrated  
5 effectiveness of training agents in delivering  
6 training in their areas according to the  
7 performance standards established in this  
8 section. At the completion of training, these  
9 agents shall provide placement services to the  
10 STAR participants and shall report to the panel on  
11 placement status and the competency attained.

12 10. Appeal procedure. Appeals shall be as  
13 follows.

14 A. All determinations under this section shall be  
15 made promptly in writing. A claimant who is  
16 aggrieved by any decision or action made under  
17 this subchapter may appeal to the commissioner  
18 pursuant to the Maine Administrative Procedure  
19 Act, Title 5, chapter 375. This does not apply to  
20 subsection 5, paragraph A.

21 B. A determination is final 15 days after it is  
22 mailed or hand delivered, unless the claimant  
23 files an appeal. The 15-day appeal period may be  
24 extended up to 15 additional days if the claimant  
25 can show good cause. The commissioner shall  
26 establish standards to determine good cause.

27 C. A decision of the hearing officer designated  
28 by the commissioner is final agency action under  
29 Title 5, section 11002, for purposes of judicial  
30 review.

31 11. Monitoring, evaluation and annual report.  
32 The program shall be monitored as follows.

33 A. The Bureau of Employment and Training Programs  
34 shall monitor and evaluate the STAR program each  
35 year.

36 B. The Bureau of Employment and Training Programs  
37 shall prepare a report for the joint

1 standing committee of the Legislature having  
2 jurisdiction over labor by May 1st of each year.  
3 This report shall include, but not be limited to:

4 (1) A description of the training programs  
5 and services provided during the previous  
6 program year;

7 (2) The results of the training, including  
8 the numbers of employees entering  
9 nontraditional occupations; and

10 (3) A discussion of the training programs  
11 and services available in the coming program  
12 year based on information supplied by the  
13 service delivery areas.

14 12. Recommendations. The joint standing  
15 committee of the Legislature having jurisdiction over  
16 labor shall review the report by the Bureau of  
17 Employment and Training Programs and recommend to the  
18 Legislature by May 1, 1989, whether to continue the  
19 STAR program and if so, whether to continue funding  
20 the STAR program from the General Fund or through a  
21 separate assessment on employers who are liable for  
22 contributions to the Unemployment Trust Fund.

23 FISCAL NOTE

24 The fiscal impact of this legislation on the  
25 General Fund is \$1,900,000 which is contained in the  
26 Supplemental Budget.'

27 STATEMENT OF FACT

28 This amendment places the entire STAR program  
29 within the Maine Job Training Partnership Act. The  
30 amendment provides that the STAR program will be  
31 funded from General Fund appropriations, changes the  
32 percentage which may be used for grant administration  
33 and changes the county allocation formula.

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- 1           The amendment clarifies the choices of training
- 2   opportunities for participants and the period during
- 3   which supportive services may be paid.

Filed by Rep. Gwadosky of Fairfield  
Reproduced and distributed under the direction of the Clerk of the  
House

4/19/88

(Filing No. H-750)