

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## FIRST REGULAR SESSION - 1989

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Legislative Document

No. 120

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S.P. 101

In Senate, February 9, 1989

Submitted by the Department of Labor pursuant to Joint Rule 24.  
Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator COLLINS of Aroostook.

Cosponsored by Representative REED of Falmouth and Representative RUHLIN of Brewer.

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### STATE OF MAINE

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

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**An Act to Make Changes to the Human Resource Development Council in  
Order to Conform with the United States Economic Dislocation and Worker  
Adjustment Assistance Act of 1988.**

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(EMERGENCY)



1           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
3 as emergencies; and

5           **Whereas,** new federal law concerning economic dislocation  
and worker adjustment assistance requires changes in the  
7 membership and duties of the Human Resource Development Council  
by January 1, 1989; and

9           **Whereas,** in the judgment of the Legislature, these facts  
11 create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
13 necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

17           **Sec. 1. 26 MRSA §2005, sub-§3,** as enacted by PL 1987, c. 471,  
19 §4, and c. 542, Pt. F, §4, is repealed and the following enacted  
in its place:

21           3. Membership. The council shall be composed of 30 members  
23 appointed by the following and serving at the pleasure of the  
appointing authority. Appointments, consistent with the  
25 requirements of the United States Job Training Partnership Act,  
Section 122(a)(2) and Section 122 (a)(3), as amended by the  
27 United States Economic Dislocation and Worker Adjustment  
Assistance Act, Public Law 100-418, shall represent the following  
29 sectors.

31           A. The Governor shall appoint 9 representatives from the  
private sector. Those members shall be chief executive  
33 officers or executives who hold high-level management  
positions, including one current member from each existing  
35 Private Industry Council who represents the private sector.

37           B. The Governor shall appoint 7 members representing any of  
the following:

39           (1) Representatives of state bodies, such as the  
41 Department of Educational and Cultural Services, the  
Department of Economic and Community Development, the  
43 Department of Labor, the Department of Human Services,  
the Maine Occupational Information Coordinating  
45 Committee, the University of Maine System, the Maine  
Vocational-Technical Institute and other agencies which  
47 the Governor determines have a direct interest in  
employment and training and human resource utilization  
49 within the State;

51           (2) Representatives of local government who are  
nominated by the chief elected officials of parent

1           units of local government and representatives of local  
3           education agencies who are nominated by local education  
          agencies.

5           C. The Governor shall appoint 9 representatives of  
7           organized labor and community-based organizations in the  
          State.

9           D. The Governor shall appoint 3 representatives of the  
11           general public.

13           E. The President of the Senate, or the President's  
15           designee; and the Speaker of the House, or the Speaker's  
          designee shall serve on the council.

17           **Sec. 2. 26 MRSA §2005, sub-§5, ¶D,** as enacted by PL 1987, c.  
          471, §4, and c. 542, Pt. F, §4, is amended to read:

19           D. Review the plans of all state agencies identified in the  
21           "Human Resource Development Coordination Criteria."

23           The council shall advise the Governor and Legislature on  
25           these plans and certify the consistency of such plans with  
          the criteria contained in the "Human Resource Development  
          Coordination Criteria."

27           The council shall also review and comment, annually, on the  
29           reports required pursuant to the Carl D. Perkins Vocational  
31           Education Act of 1984, Public Law 98-524, Sections  
33           113(b)(9), 113(c)(1) and 114(a)(1), as amended, and review  
35           and comment on the state plan developed by the state  
          employment service agency, and review and comment pursuant  
          to the Family Support Act of 1988, Public Law 100-998,  
          Section 483(a)(2) on the state plan developed by the state  
          income maintenance agency;

37           **Sec. 3. 26 MRSA §2005, sub-§5, ¶H,** as enacted by PL 1987, c.  
39           471, §4, and c. 542, Pt. F, §4, is amended to read:

41           H. Perform the following additional duties:

43           (1) Recommend to the Governor and Legislature substate  
45           service delivery areas, as well as substate areas,  
47           grantees and procedures for the selection of  
          representatives pursuant to the United States Economic  
          Dislocation and Worker Adjustment Assistance Act,  
          Public Law 100-418;

49           (2) Recommend resource allocations under the United  
51           States Job Training Partnership Act, Titles I and  
53           II, and III that are not subject to the United States  
          Job Training Partnership Act, Sections 202(a);

- 1 (3) Develop appropriate relationships with other  
3 programs;
- 5 (4) Coordinate activities with Private Industry  
7 Councils; and
- 9 (5) Recommend variations in performance standards.  
Such recommendations shall be contained in the "Human  
11 Resource Development Coordination Criteria-"; and
- 13 (6) Submit comments to the Governor on state and  
15 substate plans and programs for dislocated workers, as  
required under the United States Economic Dislocation  
and Worker Adjustment Assistance Act, Public Law  
100-418.

17 **Sec. 4. 26 MRSA §2005, sub-§12** is enacted to read:

19 12. Transitional provisions. Transitional provisions are  
21 as follows:

23 A. In order to ensure continuity during the planning cycle,  
25 those members who are serving on the council as of December  
27 1988 and who will be displaced by the reconstitution of the  
council under the United States Economic Dislocation and  
Worker Adjustment Assistance Act, Public Law 100-418 shall  
continue to serve until June 30, 1989.

29 **Emergency clause.** In view of the emergency cited in the  
31 preamble, this Act shall take effect when approved.

33 **STATEMENT OF FACT**

35 In August 1988, Congress passed the United States Economic  
37 Dislocation and Worker Adjustment Assistance Act, as part of the  
39 Omnibus Trade and Competitiveness bill. This new law requires,  
41 by January 1, 1989, changes in the membership and duties of each  
state's job training coordinating council, which in Maine is the  
Human Resource Development Council.

43 This bill reflects the required change in membership and  
45 duties and includes a transitional provision to ensure continuity  
during the 1988-89 planning cycle.