

MAINE STATE LEGISLATURE

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L.D. 1388

(Filing No. H-567)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 999, L.D. 1388, Bill, "An Act to Improve Retraining Opportunities for Maine Workers"

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

Sec. 1. 26 MRSA §2015-A, sub-§8, ¶A, as enacted by PL 1987, c. 775, §3, is amended to read:

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

- (1) Tuition for education and training;
- (2) Training materials or books necessary for participation in the training;
- (3) Payment for dependent care costs, provided those costs do not exceed the prevailing regional rate for such care; and
- (4) Travel payments according to the policies established by the United States Job Training Partnership Act service providers; and
- (5) Payment of a living allowance in the same amount as the participant's prior unemployment compensation weekly benefit amount for a reasonable time period to allow the employee to complete the employability development plan, provided that the individual has exhausted all entitlement to unemployment compensation and is ineligible for extended benefits as a dislocated worker under section 1196;

1 training contracts entered into by any agency or organization,
2 public or private, that provides a wage subsidy for a trainee
3 with public funds, including all contracts written under the
4 Maine Job Training System.

5
6 2. Standards for on-the-job training contracts. All
7 on-the-job training contracts must meet the following
8 requirements of this subsection.

9
10 A. The occupation for which the contract is written is one
11 which traditionally requires specific occupational training
12 as a prerequisite.

13
14 B. The firm or establishment with which the contract is
15 made is not involved in a strike, lockout or other labor
16 dispute.

17
18 C. The trainee working under the contract shall receive the
19 same wages and benefits and be subject to the same working
20 conditions as other employees working an equivalent length
21 of time and performing a substantially equivalent job at the
22 work site.

23
24 D. Except when the employer has good cause related to the
25 trainee's work performance, the employer shall, upon
26 completion of the on-the-job training contract, offer the
27 trainee continued employment with at least equivalent wages,
28 benefits and working conditions, as existed under the
29 contract.

30
31 E. The employer with whom the contract is made has not, in
32 the past, violated paragraph D.

33
34 3. Nondisplacement; noninfringement; existing collective
35 bargaining agreements. An on-the-job training contract may be
36 executed only if:

37
38 A. No currently employed worker would be displaced by the
39 trainee, including partial displacement such as reduction in
40 the hours of work, wages or employment benefits;

41
42 B. The training position would not impair existing
43 contracts for the services or collective bargaining
44 agreements, except when the written concurrence of the labor
45 organization concerned has been obtained;

46
47 C. No other individual is on layoff from the same or any
48 substantially equivalent job for which the trainee would be
49 trained;

50
51 D. The employer has not terminated the employment of any
regular employee or otherwise reduced the work force of the

1 employer with the intention of filling the vacancy so
3 created by contracting to hire the trainee; and

5 E. The job for which the individual would be trained is not
7 being created in a promotional line that will infringe in
any way on the promotional opportunities of currently
employed individuals.

9 4. Apprenticeable occupations. With respect to each
11 placement under the Maine Job Training System, the Department of
Labor shall:

13 A. Determine whether the occupation is apprenticeable in
15 accordance with a list of apprenticeable occupations
provided by the State Apprenticeship and Training Council;

17 B. If the occupation is determined to be apprenticeable,
19 contact the State Apprenticeship and Training Council for
assistance in establishing an apprenticeship position that
21 would follow Maine Job Training System placement;

23 C. Ensure that the State Apprenticeship and Training
25 Council provides a semiannual and annual list to the
Commissioner of Labor on both the number of Maine Job
27 Training System referrals received and the number of
apprenticeship positions that were established from the
Maine Job Training System referrals; and

29 D. If an apprenticeship program is developed under this
31 subsection, provide the trainee information on various
education and training opportunities that may be of
33 assistance for indenturing in the apprenticeship program.

35 §2173. Labor education

37 Each person enrolled in a program under the Maine Job
39 Training System shall be provided an informational pamphlet on
labor law which explains the person's rights and responsibilities
41 and lists the appropriate agency to contact for additional
information. The informational pamphlet shall be developed and
disseminated to all Maine Job Training System service providers
43 by January 1, 1990.

45 1. Content of pamphlet. The pamphlet shall cover such laws
as:

47 A. The National Labor Relations Act, Public Law 1935, No.
198, 49 Stat 449;

49 B. The Occupational Safety and Health Act of 1970, Public
51 Law 91-596;

COMMITTEE AMENDMENT "A" to H.P. 999, L.D. 1388

1 under the Maine Job Training System.

3 3. Finally, the amendment requires that all program
5 participants in the Maine Job Training System receive education
7 concerning their rights and responsibilities under common labor
laws.

Reported by the Committee on Labor
Reproduced and distributed under the direction of the Clerk of the
House
6/15/89 (Filing No. H-567)