

# MAINE STATE LEGISLATURE

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L.D. 1700  
(Filing No. S-322 )

STATE OF MAINE  
SENATE  
114TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 606, L.D. 1700, Bill, "An Act to Continue the Strategic Training for Accelerated Reemployment Program"

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

'Sec. 1. 26 MRSA §2015-A, sub-§2, as amended by PL 1989, c. 2, is further amended to read:

2. Program goals. The purpose of this section is to establish an employment training program to provide unemployed or displaced workers with skills training and support which lead to jobs in stable and expanding industries with, whenever possible, wages equal to or greater than the workers' customary prior employment, as well as support services so that individuals are able to take advantage of educational and training opportunities. A further purpose of the STAR program is to provide employers with trained workers by ensuring that the training provided is consistent with the needs of employers. Unemployed or displaced railroad and railway workers who are residents of the State ~~shall-be-are~~ eligible to participate in the program if they otherwise meet program eligibility requirements.

Sec. 2. 26 MRSA §2015-A, sub-§4, ¶¶A and C, as enacted by PL 1987, c. 775, §3, are amended to read:

A. During the first year of the STAR program, up to 14% of the funds may be used for grant administration. In the 2nd and subsequent years of the STAR program, up to ~~10%~~ 12% of the funds may be used for grant administration.

C. Each county shall receive an annual allocation, 50% of which shall be based on the number of individuals unemployed

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1 during the calendar year preceding the program year and 50%  
 3 of which shall be based on the unemployment rate during the  
 calendar year preceding the program year. These allocations  
 5 may be shifted among counties within a service delivery area  
depending on the demand for STAR services and the  
availability of unexpended funds.

7

9 **Sec. 3. 26 MRSA §2015-A, sub-§5, ¶A**, as amended by PL 1987, c.  
 861, §22, is repealed and the following enacted in its place:

11 A. Be an unemployed resident of Maine receiving  
unemployment compensation benefits administered by the  
 13 Bureau of Employment Security or the federal Railroad  
Retirement Board and have registered for the STAR program  
 15 before the end of the 8th week of collecting unemployment  
compensation benefits.

17

19 (1) The "end of the 8th week of collecting  
unemployment compensation benefits" means either:

21 (a) The last day of the 8th week after the most  
recent total separation for which the claimant was  
 23 issued a benefit check, offset credit or waiting  
period credit under any state or federal  
 25 unemployment program administered by the  
Department of Labor; or

27

29 (b) The last day of the 8th week after an  
appellate decision awarding benefits to the  
individual becomes final.

31

33 (2) An individual may register after the end of the  
8th week of collecting unemployment compensation  
benefits if that individual reasonably expected to  
 35 return to that person's prior employment or occupation  
or for other good cause as determined by rules adopted  
 37 by the commissioner under the Maine Administrative  
Procedure Act, Title 5, chapter 375.

39

41 (3) Nothing in this paragraph prevents an individual  
from registering for the STAR program before the end of  
 43 the 8th week of collecting unemployment compensation  
benefits; or

45 **Sec. 4. 26 MRSA §2015-A, sub-§5, ¶B**, as enacted by PL 1987, c.  
 775, §3, is amended to read:

47

49 B. Have received notice of pending job displacement due to  
 either a reduction in overall employment within a business  
 or a substantial skills change, due to technological or other  
 51 reasons, in the skills required of an ongoing job+e# .

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1           Sec. 5. 26 MRSA §2015-A, sub-§5, ¶C, as enacted by PL 1987, c.  
775, §3, is repealed.

3           Sec. 6. 26 MRSA §2015-A, sub-§6, ¶A, as enacted by PL 1987, c.  
5 775, §3, is repealed and the following enacted in its place the  
7 following:

9           A. Claimants shall receive written notice of the STAR  
11 program when they apply for unemployment compensation  
13 benefits administered by the Bureau of Employment Security.

15           (1) The notice shall explain:

17                   (a) The program's eligibility requirements;

19                   (b) The importance of entering training early in  
21 a claimant's term of unemployment;

23                   (c) The availability of unemployment compensation  
25 benefits to claimants in approved training; and

27                   (d) The availability of extended benefits for  
29 dislocated workers in approved training for up to  
31 26 weeks.

33           (2) The notice shall be written in language that is  
35 clear and understandable and must have a readability  
37 score, as determined by a recognized instrument for  
39 measuring adult literacy reading levels, equivalent to  
41 no higher than a 6th grade level. A claimant's  
43 inability to understand the written notice due to  
45 illiteracy or other factors constitutes good cause  
47 under subsection 5, paragraph A, for purposes of  
49 determining eligibility for the STAR program.

51           (3) Interested individuals shall be referred to the  
Maine Job Service for a determination of eligibility  
and referral to testing and counseling centers.

53           Sec. 7. 26 MRSA §2015-A, sub-§6, ¶¶A-1 and A-2 are enacted to  
55 read:

57           A-1. Paragraph A does not apply to individuals who are  
59 receiving unemployment benefits administered by the federal  
61 Railroad Retirement Board, under the Railroad Unemployment  
63 Insurance Act, Public Law 1938, No. 722, United States Code,  
65 Title 45, Section 351, et seq., as amended. The Department  
67 of Labor shall provide notice of the STAR program to the  
69 federal Railroad Retirement Board.

71           A-2. An individual who is determined to be eligible for the  
STAR program must apply at the federal Job Training

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1 Partnership Act local service provider for an employability  
 3 development plan within 30 days after the eligibility  
determination is made.

5 (1) An individual must be collecting unemployment  
 7 benefits or have received a notice of pending  
displacement under subsection 5, paragraph B, in order  
 9 to apply for an employability development plan under  
the STAR program.

11 (2) If no STAR funds are available when an individual  
 13 applies for an employability development plan, written  
notice shall be provided to that individual when money  
 15 again becomes available. At that time, the individual,  
 17 if still eligible to collect unemployment insurance  
benefits, including any dislocated worker benefits, may  
 19 again apply for an employability development plan  
within 15 days after the written notice is sent.

21 **Sec. 8. 26 MRSA §2015-A, sub-§6, ¶¶C and D, as enacted by PL**  
**1987, c. 775, §3, are amended to read:**

23 C. At the end of the assessment process, an individual  
 25 employment employability development plan shall be developed  
 for each participant based on the results of the assessment,  
 27 the participant's occupational preference and the  
 occupational opportunities available as determined under  
 29 subsection 9, including opportunities in nontraditional  
 occupations. Participants may choose among training  
 opportunities provided under subsection 7, provided that  
 31 that choice is appropriate for the occupation identified in  
 their employability development plan. The plan shall  
 33 identify the occupation selected and what additional  
 training and education is necessary. If the occupation is  
 35 one for which an apprenticeship program may be available,  
 the State Apprenticeship and Training Council shall be  
 37 notified, and shall determine what additional training or  
 education may be necessary for indenturing in an apprentice  
 39 program.

41 D. A STAR participant, who has been assessed and has  
 received an individual-employment employability development  
 43 plan, may be provided with--a--training--voucher--of up to  
 \$3,000 under subsection 8.---This voucher will to enable STAR  
 45 participants the participant to enter into training for  
 occupations approved under subsection 9, paragraph A, to be  
 47 conducted by approved training agents certified-pursuant-to  
under subsection 9, paragraph D. The-STAR-voucher-is-valid  
 49 for--12--weeks--for--STAR--participants--to--enter--training  
initially Training shall be provided according to the time  
 51 periods, terms and conditions set forth and agreed upon in  
the employability development plan, unless an extension for

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1 cause is approved by the United--States Job Training  
 2 Partnership Act local service providers. A STAR participant  
 3 who signs an employability development plan under this  
 4 paragraph does not waive the participant's rights to appeal  
 5 under subsection 10.

7 **Sec. 9. 26 MRSA §2015-A, sub-§7, ¶D**, as enacted by PL 1987, c.  
 8 775, §3, is amended to read:

9 D. Employment competency training in preemployment skills.  
 10 This component consists of structured activities designed to  
 11 assess basic employment competency and to provide remedial  
 12 training in such areas as job-seeking skills, interviewing  
 13 and resume writing. ~~Employment competency training may only~~  
 14 ~~be used if it leads to vocational skills training;~~

17 **Sec. 10. 26 MRSA §2015-A, sub-§8, ¶A**, as enacted by PL 1987,  
 18 c. 775, §3, is amended to read:

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

23 (1) Tuition for education and training;

25 (2) Training materials or books necessary for  
 26 participation in the training;

27 (3) Payment for dependent care costs, provided those  
 28 costs do not exceed the prevailing regional rate for  
 29 such care; and

31 (4) Travel payments according to the policies  
 32 established by the United States Job Training  
 33 Partnership Act service providers;

35 **Sec. 11. 26 MRSA §2015-A, sub-§8, ¶C**, as enacted by PL 1987,  
 36 c. 775, §3, is amended to read:

39 C. While a participant is collecting unemployment benefits  
 40 or for the duration of the training program which does not  
 41 exceed one year, an exception to the limitations set forth  
 42 in paragraph A shall be granted for supportive services when  
 43 additional funds for transportation and dependent care are  
 44 necessary for the participant to complete the training  
 45 specified in the individual--employment employability  
 46 development plan and the participant is unable to purchase  
 47 those services. The commissioner shall adopt rules under  
 48 the Maine Administrative Procedure Act, Title 5, chapter  
 49 375, to determine the requirements for these exceptions.

51 **Sec. 12. 26 MRSA §2015-A, sub-§9, ¶¶B and D**, as enacted by PL  
 1987, c. 775, §3, are amended to read:

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

~~D. Annually--certify--the--demonstrated--effectiveness~~ Ensure use of training agents who have demonstrated effectiveness the in delivering training in their areas according to the performance standards established in this section. ~~At the completion of training, these agents shall provide placement services to the STAR participants and shall report to the panel on placement status and the competency attained.~~

Sec. 13. 26 MRSA §2015-A, sub-§10, as amended by PL 1987, c. 861, §23, is repealed and the following enacted in its place:

10. Grievance procedure. All determinations under this section shall be made promptly in writing. A claimant who is aggrieved by any decision or action made under this section may appeal as provided in this subsection.

A. Each person who requests or receives training or supportive services under this section shall be given written notice describing the right and procedure of appeal provided by this section. This notice shall:

- (1) Be uniform throughout the State;
- (2) Be written in language that is clear and understandable and must have a readability score, as determined by a recognized instrument for measuring adult literacy reading levels, equivalent to no higher than a 6th grade level; and
- (3) Include a statement that:
  - (a) Any decision regarding the type of training or the type, amount or duration of support services offered may be appealed;
  - (b) Hearings provided under paragraph C will be conducted by an impartial hearing officer whose decision may be appealed to court; and
  - (c) The person may be eligible to receive free legal assistance in pursuing an appeal. This statement shall also provide a list of organizations that provide legal assistance to persons of low income.

B. Any person who requests or receives training or supportive services under this section may obtain a review

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1 of any decision made by the job training agency related to  
2 those services. When an individual requests a review, the  
3 agency shall promptly investigate and attempt to resolve the  
4 complaint informally. If the problem is not resolved to the  
5 complainant's satisfaction through this informal process, a  
6 hearing to review the agency's decision shall be scheduled  
7 before an impartial hearing officer as provided in paragraph  
8 C.

9  
10 C. Hearings provided under this subsection shall be held  
11 pursuant to the Maine Administrative Procedure Act, Title 5,  
12 chapter 375.

13  
14 **Sec. 14. 26 MRSA §2015-A, sub-§12, as enacted by PL 1987, c.**  
15 **775, §3, is repealed.**

16  
17 **Sec. 15. 26 MRSA §2015-A, sub-§13 is enacted to read:**

18 13. Carrying clause. Any available balance at the end of a  
19 fiscal year in the STAR program shall not lapse but shall carry  
20 forward to the next fiscal year.

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22  
23 **FISCAL NOTE**

24  
25 This bill will add a carrying clause so that funds  
26 appropriated to the Strategic Training for Accelerated  
27 Reemployment (STAR) program will not lapse. This may result in  
28 future decreases in unappropriated General Fund surplus.'

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30  
31 **STATEMENT OF FACT**

32  
33 This amendment completely replaces the original bill and  
34 makes the following changes to current law.

35  
36 1. The amendment clarifies that a goal of the STAR program  
37 is to provide training for new employment in which the program  
38 participants will earn the same or greater wages than in their  
39 previous customary employment.

40  
41 2. The amendment increases the amount of STAR funds that  
42 may be used to pay administrative costs from 10% to 12% of all  
43 STAR funds and permits the reallocation of STAR funds among the  
44 various counties within a service delivery area to permit the  
45 funds to be targeted to the areas of greatest need.

46  
47 3. The amendment clarifies that railroad employees are  
48 eligible for STAR services and clarifies the time period within  
49 which an individual may apply for STAR services.



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1           4. The amendment repeals the provision restricting use of  
the STAR program and permits the STAR program to continue  
3 offering job training services to residents of the State. The  
amendment also adds a carrying clause so that funds remaining  
5 with the STAR program at the end of a fiscal year will carry over  
into the following fiscal year.

7  
          5. The amendment removes the requirement that unemployment  
9 claimants receive oral notice of the availability of the STAR  
program and strengthens the requirements for written notice to  
11 these persons. The amendment further clarifies the eligibility  
requirements for the STAR program.

13  
          6. The amendment replaces the term "individual employment  
15 plan" and replaces it with the term "employability development  
plan" for consistency with the terminology used in other job  
17 training programs.

19  
          7. The amendment replaces the STAR grievance procedure with  
the standard appeal procedure employed in all other state job  
21 training programs.

Reported by Senator Esty for the Committee on Labor.  
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(6/16/89) (Filing NO. S-322)