

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1861

S.P. 681

In Senate, February 10, 1994

An Act Concerning Registered Apprenticeship Programs.

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.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec.
Cosponsored by Representatives: CLARK of Millinocket, CLEMENT of Clinton.

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

PART A

Sec. A-1. 20-A MRSA §12733, first ¶, as enacted by PL 1993, c. 392, §2, is amended to read:

The program shall provide a sequence of combined school and workplace education and training that has a specific industrial or occupational focus. Students participate in the program for up to 3 years and, while doing so, must be enrolled in a State technical college or other publicly supported secondary or postsecondary school. The program must include an option in which eligible students may enter a registered apprenticeship program under Title 26, chapter 11, concurrently with or after completion of the formal education requirements of the program. The program shall offer a curriculum based on industry skill standards recommended by the Skill Standards Board established in section 12734. Participants who demonstrate that they have met these skill standards are entitled to a certificate of skill mastery that describes the competencies achieved by the students.

Sec. A-2. 26 MRSA §2011, as amended by PL 1987, c. 775, §1, is further amended to read:

§2011. Funds

All funds under this subchapter shall be distributed among the State's Job Training Partnership Act service delivery areas. Funds will be allocated to the State's private industry councils serving all counties. The Department of Labor shall distribute these funds to the private industry councils, in the service delivery areas, on a county-based formula determined by the Department of Labor. This formula must include a method by which greater funds are allocated to private industry councils that have demonstrated the ability to make successful placements in registered apprenticeship programs under section 2172-B. This enhanced funding must be in an amount sufficient to provide an incentive for the private industry councils to make greater use of registered apprenticeship options.

Sec. A-3. 26 MRSA §2172, sub-§4, as enacted by PL 1989, c. 408, §3, is repealed.

Sec. A-4. 26 MRSA §§2172-A and 2172-B are enacted to read:

§2172-A. Application for training

The Department of Labor shall provide every person seeking to enroll in a Maine Job Training System program with a written

2 application form to be completed by the applicant. This form
3 must include questions to obtain the following information from
4 the applicant:

5 1. Educational history. The applicant's educational
6 history, including any prior vocational training;

7 2. Employment history. The applicant's prior work
8 experience, if any;

9 3. Applicant's preferences. The applicant's preferences or
10 priorities for job training and placement, including any
11 preference for a particular job training program, a particular
12 type of training or a particular occupation or field for which
13 the applicant prefers to be trained;

14 4. Special needs. Any special needs or obstacles to
15 employment affecting the applicant, including but not limited to
16 any need for support services or any physical or mental
17 disabilities; and

18 5. Other information. Any other information considered
19 necessary or desirable by the Department of Labor.

20 **§2172-B. Apprenticeships**

21 1. Notification to training applicants. The Department of
22 Labor shall provide each applicant under section 2172-A with a
23 list of apprenticeable occupations provided by the State
24 Apprenticeship and Training Council. The Department of Labor
25 shall explain to the applicant the general nature of registered
26 apprenticeship programs, that a registered apprenticeship program
27 is one of the job training options available under the Maine Job
28 Training System and ascertain the applicant's interest in such a
29 program.

30 2. Referral. When an individual's employability plan has
31 been developed, the Department of Labor shall:

32 A. Determine whether the individual's employment goal
33 includes an apprenticeable occupation by reference to a list
34 of apprenticeable occupations provided by the State
35 Apprenticeship and Training Council;

36 B. If the occupation appears on the list of apprenticeable
37 occupations, contact the State Apprenticeship and Training
38 Council for assistance in establishing a registered
39 apprenticeship program as part of or following Maine Job
40 Training System training;

2 C. Ensure that the State Apprenticeship and Training
3 Council provides to the Commissioner of Labor a semiannual
4 and annual list of the number of Maine Job Training System
5 referrals received and the number of registered
6 apprenticeship positions established from these referrals.
7 The Commissioner of Labor shall promptly provide copies of
8 these lists to the joint standing committee of the
9 Legislature having jurisdiction over labor matters; and

10 D. If a registered apprenticeship program is developed
11 under this subsection, provide the trainee with information
12 on educational and training opportunities that may be of
13 assistance for indenturing in the registered apprenticeship
14 program.

16 PART B

18 **Sec. B-1. 1 MRSA §72, sub-§17-A is enacted to read:**

20 **17-A. Registered apprenticeship.** "Registered
21 apprenticeship" means an apprenticeship program registered with
22 the Maine Apprenticeship and Training Council under Title 26,
23 chapter 11.

24 **Sec. B-2. 5 MRSA §7072, 2nd ¶, as enacted by PL 1985, c. 785,**
25 **Pt. B, §38, is amended to read:**

26 The Bureau of Labor Standards shall assist the director in
27 determining which classifications are apprenticeable and in
28 encouraging and assisting state agencies to utilize the benefits
29 of registered apprenticeship programs or other training programs.
30

31 **Sec. B-3. 5 MRSA §7072, sub-§2, as enacted by PL 1985, c. 785,**
32 **Pt. B, §38, is amended to read:**

33 **2. Agency review.** The Bureau of Labor Standards and each
34 agency utilizing apprenticeable classifications shall determine
35 where registered apprenticeships should be established subject to
36 the authorization of the Director of the Bureau of Human
37 Resources and the State Apprenticeship and Training Council.
38

39 **Sec. B-4. 5 MRSA §7072, sub-§3, ¶¶A, E and F, as enacted by PL**
40 **1985, c. 785, Pt. B, §38, are amended to read:**

41 **A.** A review of the development and operation of training
42 and registered apprenticeship programs;
43

44 **E.** The number of persons who applied for registered
45 apprenticeship positions under this chapter;
46

2 F. The number of persons who were accepted into the
3 registered apprenticeship program under this chapter;

4 **Sec. B-5. 25 MRSA §2804-B, sub-§2**, as enacted by PL 1989, c.
5 521, §§5 and 17, is amended to read:

6
7 **2. Preservice training standards.** The board shall
8 establish standards for preservice training certification which
9 are equivalent to the 100-hour reserve officer training course as
10 of November 1, 1988. In establishing the standards, the board
11 shall consider the use of a registered apprenticeship with a
12 certified, experienced officer, to be followed by an examination
13 given by the board, as an alternative to part or all of the
14 preservice training course leading to preservice certification.
15 In establishing the standards, the board shall cooperate with the
16 State and local departments and agencies to which the preservice
17 standards apply to ensure that the standards are appropriate.

18
19 **Sec. B-6. 26 MRSA c. 11, first 2 lines** are repealed and the
20 following enacted in their place:

21 **CHAPTER 11**

22
23 **REGISTERED APPRENTICESHIP**

24
25 **Sec. B-7. 26 MRSA §1002, first ¶**, as amended by PL 1991, c.
26 716, §2, is further amended to read:

27
28 The State Apprenticeship and Training Council, as
29 established by Title 5, section 12004-G, subsection 25, shall be
30 composed of 12 members to be appointed by the Governor and made
31 up as follows: 4 members shall be representatives of employees
32 and shall be bona fide members of a recognized major labor
33 organization; 4 members shall be representatives of employers and
34 shall be bona fide employers or authorized representatives of
35 bona fide employers; 2 members shall be representatives of the
36 public, selected from neither industrial employers nor employees,
37 nor shall they be directly concerned with any particular
38 industrial employer or employee; and 2 members who shall
39 represent the interests of women, minorities and aid to families
40 with dependent children recipients in registered apprenticeship.
41 The appointments shall be made so that the term of one member of
42 each group shall expire each year. Each member shall hold office
43 until a successor is appointed and qualified, and any vacancy
44 shall be filled by appointment for the unexpired portion of the
45 term. The chair and secretary of the council shall be named by
46 the members of the council and the chair shall be a member of the
47 council. The Associate Commissioner of Applied Technology and
48 Adult Learning, the Director of the Bureau of Labor Standards,
49 the Commissioner of Labor and the director of apprenticeship
50

2 training of the Maine Technical College System shall be ex
officio members of the council without vote. The members of the
4 council shall be compensated according to the provisions of Title
5, chapter 379.

6 **Sec. B-8. 26 MRSA §1002, sub-§1** is amended to read:

8 **1. Establish standards.** Establish standards, through joint
action of employers and employees, and assist in the development
10 of registered apprenticeship programs in conformity with this
chapter and generally encourage and promote the establishment of
12 registered apprenticeship programs;

14 **Sec. B-9. 26 MRSA §1002, sub-§4**, as amended by PL 1989, c.
483, Pt. A, §44, is further amended to read:

16 **4. Records.** Keep a record of registered apprenticeship
18 programs and apprentice agreements, including the number of women
in registered apprenticeships by trade and the number of women
20 apprentices in occupations that are nontraditional for women;

22 **Sec. B-10. 26 MRSA §1002, sub-§9**, as amended by PL 1993, c.
360, Pt. C, §5, is further amended to read:

24 **9. Commitment to apprenticeships for women and recipients
26 of aid to families with dependent children.** Cooperate, consult
and coordinate with the Maine Aid to Families with Dependent
28 Children Advisory Council, established by Title 22, section 3774,
and other relevant groups to identify the obstacles which may
30 prevent the greater participation of women and of aid to families
with dependent children recipients in registered apprenticeships,
32 and the necessary measures to be taken to overcome them.

34 **Sec. B-11. 26 MRSA §2015-A, sub-§6, ¶C**, as amended by PL 1989,
c. 541, §8, is further amended to read:

36 **C.** At the end of the assessment process, an employability
38 development plan shall be developed for each participant
based on the results of the assessment, the participant's
40 occupational preference and the occupational opportunities
available as determined under subsection 9, including
42 opportunities in nontraditional occupations. Participants
may choose among training opportunities provided under
44 subsection 7, provided that that choice is appropriate for
the occupation identified in their employability development
46 plan. The plan shall identify the occupation selected and
what additional training and education is necessary. If the
48 occupation is one for which an a registered apprenticeship
program may be available, the State Apprenticeship and
50 Training Council shall be notified, and shall determine what

2 additional training or education may be necessary for
indenturing in an--apprentice a registered apprenticeship
4 program.

6 **Sec. B-12. 32 MRSA §14202, sub-§1**, as enacted by PL 1991, c.
397, §6, is repealed.

8 **Sec. B-13. 32 MRSA §14202, sub-§12** is enacted to read:

10 **12. Trainee.** "Trainee" means any person who is registered
12 with the board and, under the direct supervision of a person
14 licensed under this chapter in the same category as the training
performed and in accordance with board rules, is engaged in
learning and acquiring a knowledge of the practice of:

16 A. Cosmetology;

18 B. Barbering;

20 C. Aesthetics; or

22 D. Manicuring.

24 **Sec. B-14. 32 MRSA §14205, sub-§1, ¶B**, as enacted by PL 1991,
c. 397, §6, is amended to read:

26 B. Employs a person to practice barbering, cosmetology,
28 manicuring or aesthetics who does not have a license, unless
that person is an--apprentice a trainee within the meaning of
30 this chapter; or

32 **Sec. B-15. 32 MRSA §14224, sub-§§1 and 3**, as enacted by PL
1991, c. 397, §6, are amended to read:

34 **1. Practice; license required.** A person may not practice
36 cosmetology, barbering, manicuring or aesthetics in this State
unless that person has first obtained a license as provided in
38 this chapter or unless that person is acting within the scope of
employment as an--apprentice a trainee.

40 **3. Trainee.** An--apprentice A trainee cosmetologist, barber,
42 manicurist or aesthetician registered pursuant to section 14232
may not independently conduct a practice but may, as an
44 apprentice a trainee, do any or all acts constituting the
practice under the immediate personal supervision of a person
46 duly licensed and approved by the board in a licensed shop. Only
one apprentice trainee may be employed in any licensed shop at
48 any time.

2 **Sec. B-16. 32 MRSA §14226, sub-§3**, as enacted by PL 1991, c.
397, §6, is amended to read:

4 **3. Training.** Within the immediately preceding 3 years, has
5 satisfactorily completed a course of instruction in cosmetology
6 of 1,500 hours in not less than 9 months in a school licensed by
7 the Commissioner of Education or has experience in the practice
8 of cosmetology as an--apprentice a trainee of 2,500 hours
9 distributed over a period of at least 18 months; and

10 **Sec. B-17. 32 MRSA §14226, last ¶**, as enacted by PL 1991, c.
11 397, §6, is amended to read:

12 Any person licensed as a barber pursuant to this chapter and
13 who has satisfactorily completed a course of instruction in
14 cosmetology of at least 500 hours in a school licensed by the
15 Commissioner of Education or has experience in the practice of
16 cosmetology as an--apprentice a trainee of at least 900 hours may
17 take the examination upon submitting an appropriate application
18 and payment of the fees prescribed in this chapter.

19 **Sec. B-18. 32 MRSA §14227, sub-§3**, as enacted by PL 1991, c.
20 397, §6, is amended to read:

21 **3. Training.** Within the immediately preceding 3 years, has
22 satisfactorily completed a course of instruction in barbering of
23 1,500 hours in not less than 9 months in a school licensed by the
24 Commissioner of Education or has experience in the practice of
25 barbering as an--apprentice a trainee of 2,500 hours distributed
26 over a period of at least 18 months; and

27 **Sec. B-19. 32 MRSA §14227, last ¶**, as enacted by PL 1991, c.
28 397, §6, is amended to read:

29 Any person licensed as a cosmetologist pursuant to this
30 chapter and who has satisfactorily completed a course of
31 instruction in barbering of at least 500 hours in a school
32 licensed by the Commissioner of Education or has experience in
33 the practice of barbering as an--apprentice a trainee of at least
34 900 hours may take the examination upon submitting an appropriate
35 application and payment of the fees prescribed in this chapter.

36 **Sec. B-20. 32 MRSA §14228, sub-§3**, as enacted by PL 1991, c.
37 397, §6, is amended to read:

38 **3. Training.** Within the immediately preceding 3 years, has
39 satisfactorily completed a course of instruction in aesthetics of
40 750 hours in not less than 5 months in a school licensed by the
41 Commissioner of Education or has experience in the practice of
42 aesthetics as an--apprentice a trainee of 1,250 hours distributed
43 over a period of at least 7 months; and

2 **Sec. B-21. 32 MRSA §14229, sub-§3**, as enacted by PL 1991, c.
397, §6, is amended to read:

4
5 **3. Training.** Within the immediately preceding 3 years, has
6 satisfactorily completed a course of instruction in manicuring of
200 hours in not less than 5 weeks in a school licensed by the
7 Commissioner of Education or has experience in the practice of
8 manicuring as an ~~apprentice~~ trainee of 400 hours distributed
9 over a period of at least 10 weeks; and

10
11 **Sec. B-22. 32 MRSA §14230**, as enacted by PL 1991, c. 397, §6,
is amended to read:

12
13 **§14230. Temporary permit**

14
15 If an applicant to practice cosmetology, barbering,
16 manicuring or aesthetics qualifies for examination, the board may
17 issue to that applicant a permit to practice under the direct
18 supervision of a qualified supervisor, as determined by board
19 rules, within a licensed shop. The applicant must pay a permit
20 fee in an amount established by the board. Permits expire 5
21 weeks from the date of the applicant's scheduled examination.
22 Only 2 such permits may be issued to any person eligible for
23 examination. The applicant is not considered an ~~apprentice~~ a
24 trainee.

25
26 **Sec. B-23. 32 MRSA §14232**, as enacted by PL 1991, c. 397, §6,
is amended to read:

27
28 **§14232. Trainees**

29
30 **1. Registration.** Each ~~apprentice~~ trainee must submit an
31 application for registration to the board on a form prescribed
32 and supplied by the board. The application must be accompanied
33 by a registration fee set by the board. The registration for
34 each type of ~~apprenticeship~~ training expires as indicated below.

35
36 A. A cosmetology ~~apprentice~~ trainee registration expires 18
37 months from date of issuance.

38
39 B. A barber ~~apprentice~~ trainee registration expires 18
40 months from date of issuance.

41
42 C. A manicurist ~~apprentice~~ trainee registration expires 6
43 months from date of issuance.

44
45 D. An aesthetician ~~apprentice~~ trainee registration expires
46 12 months from date of issuance.

2 The board shall furnish to each registered apprentice--an
3 apprentice trainee a trainee registration. An--apprentice A
4 trainee registration is renewable upon payment of the
5 registration fee. The registration must be displayed as provided
6 for licenses in section 14235. The term "apprentice" "trainee"
7 must appear in conspicuous print upon the registration. To
8 obtain a license, an--apprentice a trainee, upon completion of the
9 required training in accordance with this chapter, must file
10 application for examination at the next examination held by the
11 board.

12 **2. Filing with the board.** Before beginning an
13 apprenticeship training, an--apprentice a trainee must file with
14 the board:

- 15 A. The employer's name, shop name and address;
- 16 B. The date that the apprenticeship training will begin;
- 17 C. The type of apprenticeship training, such as
18 cosmetology, barbering, manicuring or aesthetics;
- 19 D. Evidence of age; and
- 20 E. Evidence of satisfactory completion of the 10th grade or
21 its equivalent.

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27
28 Apprentices Trainees who change their place of employment must
29 notify the board, within 5 days of the change, of the name and
30 place of business of the new employer and the date of the change.

31
32 **3. Courses of instruction.** An--apprentice A trainee may
33 take courses of instruction in a licensed school without having
34 to register as a student as provided in this chapter. Hours or
35 time accumulated in a school may not be combined with the
36 required apprenticeship training hours and time.

37 **Sec. B-24. 32 MRSA §14238, sub-§1, ¶C,** as enacted by PL 1991,
38 c. 397, §6, is amended to read:

- 39 C. For an--apprentice a trainee registration, \$25;

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46 **STATEMENT OF FACT**

47 Part A of this bill includes the following provisions that
48 are intended to promote greater use of apprenticeship programs as
49 a training option within the Maine Job Training System.

2 1. It requires the Maine Youth Apprenticeship Program to
3 develop an option in which eligible students may enter a
4 registered apprenticeship program either during or at the
5 conclusion of the student's formal education requirements under
6 the Maine Youth Apprenticeship Program.

7 2. It requires the Department of Labor to adjust the fund
8 allocation formula for the State's private industry councils to
9 reflect the placement of job training applicants in registered
10 apprenticeship programs. This provides a financial incentive to
11 increase registered apprenticeship placements within the Maine
12 Job Training System.

13 3. It requires the Department of Labor to inform job
14 training applicants about registered apprenticeship programs and
15 to determine whether applicants desire to enter an apprenticeship
16 program. If an applicant's employability plan includes an
17 apprenticeable occupation, the department must contact the Maine
18 Apprenticeship and Training Council to determine if a registered
19 apprenticeship program can be established for that individual.
20 These requirements apply to all of the State's job training
21 programs.

22
23 Part B of the bill clarifies the use of the term
24 "apprenticeship" in the Maine Revised Statutes by referring to
25 "registered apprenticeship" wherever reference is made to an
26 apprenticeship program registered with the Maine Apprenticeship
27 and Training Council.
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34 This document has not yet been reviewed to determine the
35 need for cross-reference, stylistic and other technical
36 amendments to conform existing law to current drafting standards.