

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1429

S.P. 455

In Senate, March 11, 1997

An Act to Amend the Maine Apprenticeship Program.

Reference to the Committee on Education and Cultural Affairs 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 MICHAUD of Penobscot.
Cosponsored by Representative BERRY of Livermore and
Senator MILLS of Somerset, Representative: STANLEY of Medway.

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

Sec. 1. 20-A MRSA §12706, sub-§17, as enacted by PL 1985, c. 695, §11, is repealed.

Sec. 2. 26 MRSA §1001, as amended by PL 1989, c. 483, Pt. A, §43, is further amended to read:

§1001. Definitions

~~When used in this chapter:~~ As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. **Apprentice.** ~~"Apprentice" shall-mean~~ means a person at least 16 years of age, employed under a written agreement to work at and learn a specific ~~trade~~ occupation and is registered with the State Apprenticeship and Training Council.

2. **Apprentice agreement.** ~~"Apprentice agreement" shall-mean~~ means a written agreement entered into by an apprentice or organization of employees with an employer or with an association of employers or organizations of employees, which agreement provides for the apprentice's participation in a definite sequence of job training, and for such related and supplemental instruction as may be ~~deemed~~ determined necessary to qualify as a journeyman in the particular ~~trade~~ occupation affected.

3. **Council.** ~~"Council" shall---mean~~ means the State Apprenticeship and Training Council.

4. **Journeyman upgrading.** "Journeyman upgrading" means continued related instruction advocated for by a sponsor including joint apprenticeship and training committees or employers for an individual who has fulfilled a bona fide apprenticeship as determined by the council. Enrollment criteria must be established by the council.

5. **Sponsor.** "Sponsor" means an employer or a potential employer.

Sec. 3. 26 MRSA §1002, as amended by PL 1993, c. 630, Pt. B, §§7-10, is further amended to read:

§1002. State Apprenticeship and Training Council

The State Apprenticeship and Training Council, as established by Title 5, section 12004-G, subsection 25, is composed of 12 members appointed by the Governor and made up as follows: four members must be representatives of employees and be bona fide members of a recognized major labor organization; 4 members must be representatives of employers and be bona fide

employers or authorized representatives of bona fide employers;-2
4 members must be representatives of the public, selected from
neither industrial employers nor employees, nor may they be
directly concerned with any particular industrial employer or
employee;-and, At least 2 members who are representatives of the
public must represent the interests of women, minorities and aid
to families with dependent children recipients in registered
apprenticeship. The appointments must be made so that the term
of one member of each group expires each year. Each member holds
office until a successor is appointed and qualified, and any
vacancy must be filled by appointment for the unexpired portion
of the term. The chair and secretary of the council must be
named by the members of the council and the chair must be a
member of the council. ~~The Director of the Division of Applied~~
~~Technology Administration within the Department of Education, the~~
~~Director of Workforce Development, the Commissioner of Labor or a~~
designee, the Commissioner of Economic and Community Development
or a designee, the Commissioner of Education or a designee, the
Chair of the Maine Jobs Council or a member designee and the
~~Director of Apprenticeship Training for~~ President of the Maine
Technical College System or a designee are nonvoting ex officio
members of the council. The members of the council are entitled
to receive compensation according to the provisions of Title 5,
chapter 379.

~~The budget request of the council must be incorporated in~~
~~the overall budget of the Department of Labor and the~~
~~Commissioner of Labor is responsible for the disbursement of~~
~~these funds according to council policy. The commissioner is~~
~~responsible for the selection and supervision of all personnel~~
~~who may be employed by the council.~~

The council shall:

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

2. **Registration.** Register or terminate or cancel the
registration of apprenticeship programs and apprenticeship
agreements including journeyman upgrading;

3. **Certificates of completion.** Issue such certificates of
completion of apprenticeship as shall be authorized by the
council to apprentices who have been certified by a joint
apprenticeship committee or employer as satisfactorily completing
their training;

4. **Records.** Keep a record of registered apprenticeship
programs and apprentice agreements, including the number of women

and minority in registered apprenticeships apprentices by trade and the number of women--apprentices--in occupations that are nontraditional for women;

5.--Cooperate with others.--Cooperate with the Department of Education, the Board of Trustees of the Maine Technical College System and the local school authorities in the organization and establishment of classes of related and supplemental instruction for apprentices employed under approved agreements;

6. Rules. Issue such rules, pursuant to Title 5, chapter 372, subchapter II, as may be necessary to carry out the intent and purpose of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A;

7.--Reports.--Make a report to the Governor of its activities and the results of these activities, including these activities specifically undertaken to increase the participation of women and recipients of aid to families with dependent children. This report must be incorporated in the biennial report of the Commissioner of Labor;

7-A. Reports. Make an annual report by March 1st of each year to the Governor, the joint standing committee of the Legislature having jurisdiction over labor matters, the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over business and economic development matters. The report must include, for each business assisted under this chapter, the name and location of each business, the number of apprentices, the return on investment and, when applicable, the number of new jobs created;

8.--Prison industries programs.--Cooperate and consult with the Department of Corrections to develop policies concerning the issues of job safety for prisoners involved in prison industries programs, work-release programs and job displacement created by such programs and to develop opportunities for jobs in the prison industries programs consistent with Title 34-A, section 1403, subsection 9, and

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

2 10. Related and supplemental instruction. Ensure
4 availability of related and supplemental instruction for
 apprentices. Oversight of coordination of instruction with job
 experiences is the responsibility of the council; and

6 11. Planning and evaluation. Develop a biennial plan in
8 consultation with the Maine Jobs Council and the Department of
10 Labor and develop an evaluation tool and process that facilitates
12 a review of the apprenticeship program outcomes based on the
 council's biennial goals and objectives. As a result of this
 process, the council may initiate programs that promote
 apprenticeship and work force development.

14 Meetings of the council shall-be are held quarterly and as
16 often as is necessary in the opinion of the majority of the
18 council. The chair shall designate the time and place of the
20 meetings and the ~~secretary~~ staff shall notify all council members
 at least one week in advance of each meeting. A majority of the
 membership of the council shall-constitute constitutes a quorum,
 ~~provided--that~~ as long as each group has at least one
 representative present.

22 **Sec. 4. 26 MRSA §1003 is repealed.**

24 **Sec. 5. 26 MRSA §1004, as amended by PL 1989, c. 483, Pt. A,**
26 **§45, is further amended to read:**

28 **§1004. Apprenticeship agreement standards**

30 Standards for apprenticeship agreements shall must contain
32 the following:

34 1. **Occupation taught.** A statement of the ~~trade-or-craft~~
36 occupation to be taught and the required hours for completion of
 apprenticeship;

38 2. **Processes.** A statement of the major work processes in
40 the ~~trade-or-craft-in-which-the-apprentice-is~~ occupation to be
 taught and the approximate amount of time to be spent at each
 process;

42 3. **Hours.** A statement of educational subjects to be
44 studied and mastered including on-the-job-training work
46 experience. Where-formal-classroom-instruction-can-be-established
 ~~by--the--Board--of--Trustees--of--the--Maine--Vocational-Technical~~
 ~~Institute-System-a-statement-that-such-classes-shall-operate-at~~
48 least-144-hours-per-year An agreement must state the number of
 hours required to complete an apprenticeship and indicate the
50 approximate number of hours spent in each process and each
 training component;

2 4. **Age.** A statement that the apprentices shall-be may not
be less than 16 years of age;

4 5. **Wages.** A statement of the progressively increasing scale
of wages to be paid the apprentice;

6 6. **Probation.** Provision for a period of probation during
8 which the Apprenticeship-and-Training-Council-shall-be council is
directed to terminate the apprenticeship agreement at the request
10 in writing of any party thereto to the apprenticeship agreement.
After the probationary period, the Apprenticeship-and-Training
12 Council---shall---be council is empowered to terminate the
registration of an apprentice upon agreement of the parties;

14 7. **Services of council.** ~~Prevision~~ A provision that the
16 services of the Apprenticeship-and-Training-Council council may
be utilized for consultation regarding the settlement of
18 differences arising out of the apprenticeship agreement, ~~where~~
~~such~~ when differences ~~cannot~~ can not be adjudged locally or in
20 accordance with the established trade procedure;

22 8. **Transfer of obligation of employer.** ~~Prevision~~ A
provision that if an employer is unable to fulfill his the
24 obligation under the apprenticeship agreement, he the employer
may transfer such the obligation to another employer;

26 9. **No discrimination.** ~~Prevision~~ A provision that there ~~will~~
28 may be no discrimination in employment of apprentices under the
program because of sex, race, creed or color; and

30 10. **Additional standards.** ~~Such---additional~~ Additional
32 standards as may be prescribed in accordance with this chapter.

34 **Sec. 6. 26 MRSA §1005,** as amended by PL 1989, c. 443, §59, is
repealed.

36 **Sec. 7. 26 MRSA §1005-A,** as amended by PL 1989, c. 700, Pt.
38 A, §105, is repealed.

40 **Sec. 8. 26 MRSA §1006,** as amended by PL 1989, c. 483, Pt. A,
§47, is further amended to read:

42 **§1006. Local, regional and state joint apprenticeship committees**

44 Local and state joint apprenticeship committees may be
46 approved, in any ~~trade-or-group-of-trades~~ occupation or group of
occupations, in cities, regions of the state ~~State~~ or trade
48 areas, by the council, whenever the apprentice training needs of
~~such--trade--or--group--of--trades~~ any occupation or group of
50 occupations or such regions justify such establishment. These
local, regional or state joint apprenticeship committees shall-be
52 are composed of an equal number of employer and employee

representatives selected by the respective local or state employer and employee organizations in the trade or groups of trades; and such advisory members representing local boards or other agencies as may be deemed determined advisable. Each local, regional or state joint apprenticeship committee will ~~will~~ must include an even number of members with expertise in issues related to women, minorities or aid to families with dependent children recipients in apprenticeships who ~~shall-be~~ are voting members, 1/2 to be chosen by the employer representatives and 1/2 to be chosen by the employee representatives. In ~~a-trade-or-groups-of-trades~~ an occupation or group of occupations in which there is no bona fide employer or employee organization, a joint committee may be composed of persons known to represent the interests of employers and of employees respectively, or a state joint apprenticeship committee may be approved as the joint committee in ~~such-trade-or-group-of-trades~~ that occupation or group or occupations. Subject to the review of the council and in accordance with the standards established by the council, such committees may devise standards for apprenticeship agreements and give such aid as may be necessary in their operation in their respective trades and localities. The activities of the committees ~~shall~~ must be in compliance with all applicable affirmative action rules adopted by the council.

Sec. 9. 26 MRSA §1007, is amended to read:

§1007. Voluntary acceptance of provisions

~~Nothing-in-this~~ This chapter, or ~~in~~ any apprenticeship agreement approved under this chapter, ~~shall~~ may not operate to invalidate any apprenticeship provision in any collective bargaining agreement between employers and employees setting up higher apprenticeship standards. None of the terms or provisions of this chapter ~~shall~~ apply to any person, firm, corporation or craft unless and until such person, firm, corporation or craft voluntarily elects that the terms and provisions of ~~said~~ this chapter ~~shall~~ apply.

Sec. 10. 26 MRSA §§1008 to 1009-C, are enacted to read:

§1008. Staff resources

In carrying out its duties on a state level, the council shall employ personnel of the Bureau of Employment Services within the Department of Labor. Specifically, the bureau must have a director of apprenticeship and training who has the responsibility of supervising the execution of agreements and the maintenance of standards. In addition, the bureau shall keep a record of apprenticeship agreements and programs and ensure that all aspects of related and supplemental instruction are delivered and coordinated in a timely manner. Apprenticeship field staff may be retained by agreements between the bureau and its service

provider network. Field staff are responsible for promoting apprenticeships to employers, writing apprenticeship programs and carrying out delegated council duties.

The Commissioner of Labor is ultimately responsible for the selection and supervision of all personnel who may be employed by the council. The budget request of the council must be incorporated into the overall budget of the Department of Labor with the commissioner responsible for providing adequate staff support to the council and for the disbursement of these funds according to council policy.

§1009. Council relationships

The Maine Technical College System remains the primary vendor for apprenticeship-related instruction according to a biennial articulation agreement with the Department of Labor. The council shall cooperate with the Department of Education, local school authorities such as adult education and applied technology centers and other groups in the organization and establishment of classes of related or supplemental instruction for apprentices employed under approved agreements.

Any educational institution or apprenticeship sponsor may provide related and supplemental instruction according to the policies set forth by the council with participating educational providers identifying a contact person to the council staff. The Department of Labor shall underwrite 50% of tuition costs for apprentices in good standing at public educational institutions and provide tuition assistance to sponsor groups in accordance with council policies. In order to ensure that adequate funds are available for tuition, the council shall provide the Commissioner of Labor with its biennial plan, including projected apprenticeship enrollments and a subsequent budget request. The budget request of the council must be incorporated into the overall budget of the Department of Labor.

The council shall assist the Department of Education, the State's technical colleges, local school authorities such as adult education and applied technology centers and other groups in developing training courses to establish preapprenticeship training programs if the technical colleges, local schools and other groups wish to do so. Successful completion of preapprenticeship training programs enables a participant to meet the qualifying standards for the apprenticeship for which the participant has expressed serious interest. All preapprenticeship training programs are subject to approval by the council.

In addition, the council shall cooperate with the Maine Jobs Council, the Department of Labor and the Department of Economic

and Community Development in matters relating to work force and economic development.

The council shall cooperate and consult with the Department of Corrections to develop policies concerning issues of job safety for prisoners involved in prison industries programs, work release programs and job displacement created by such programs and to develop opportunities for jobs in the prison industries programs consistent with Title 34-A, section 1403, subsection 9.

The council shall cooperate, consult and coordinate with groups that help people on welfare find jobs. The council shall also cooperate with other relevant groups to identify obstacles that may prevent the greater participation of women and of aid to families with dependent children recipients in registered apprenticeships, and the necessary measures to be taken to overcome them.

§1009-A. Outreach and expansion

Council field staff are responsible for identifying and contacting potential sponsors with whom apprenticeship programs may be developed. Staff may receive business referrals from a variety of sources including, but not limited to, local work force development centers, business visitation programs, local chambers of commerce, the Department of Economic and Community Development and the Department of Labor's Employer Assistance Division. Staff and council members shall regularly conduct presentations to employer groups, schools and other interested parties and develop brochures, public service announcements and promotional videotapes for the purpose of promoting apprenticeship.

§1009-B. Technical assistance for sponsors

Council staff may provide apprenticeship sponsors with technical assistance that encourages high-quality job creation, reorganizes a workplace to remain competitive, upgrades worker skills by providing essential work competencies, provides occupational task analysis and instructor training and establishes affirmative action and recruitment of special populations.

§1009-C. Council conformity with federal regulations

All apprentice and training programs established under this chapter must conform to 29 Code of Federal Regulations, Parts 29 and 30, and any subsequent applicable provisions. The Federal Bureau of Apprenticeship and Training is available as a resource to the council.

SUMMARY

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4 This bill clarifies the roles and responsibilities of the
6 State Apprenticeship and Training Council, the apprenticeship
8 staff and program sponsors in carrying out duties for the purpose
10 of ensuring the encouragement of apprenticeships on a statewide
12 basis. The bill obligates the Department of Labor to: provide
 program oversight via an apprenticeship director; become
 responsible for all related instruction activity by integrating
 the oversight of the related instruction component and on-the-job
 training; and maintain a statewide field presence.