

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1927

S.P. 677

In Senate, March 17, 1999

An Act to Ensure that an Eligible Work Force is Promptly Certified for Trade Act Assistance and Has Full Access to Training and Education Services as Provided by Law.

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 TREAT of Kennebec.
Cosponsored by Representative McKEE of Wayne and
Senators: O'GARA of Cumberland, PINGREE of Knox, RAND of Cumberland,
Representatives: CAMERON of Rumford, COLWELL of Gardiner, DUPLESSIE of
Westbrook, STANLEY of Medway, TRACY of Rome.

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

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Sec. 1. 26 MRSA §1043, sub-§5, ¶B, as corrected by RR 1991, c. 1, §35, is amended by repealing and replacing subparagraph (2) to read:

(2) Who is eligible for or who has exhausted, after the effective date of this paragraph, trade adjustment allowances as provided by the United States Trade Act of 1974, Title II, Chapter 2, Public Law 93-617, United States Code, Title 19, Section 2291, et seq. and any amendments or additions to or similar successor provisions of that Act, referred to in this subparagraph as the "Act," except that:

(a) A worker who was eligible for and received less than 26 weeks of benefits under the Act may receive benefits for the number of weeks by which that worker's benefits received under that Act were less than 26 weeks; or

(b) A worker who was unable to enroll in training after certification because of a continuing part-time attachment to the affected employer is eligible to receive benefits under this paragraph after the worker has exhausted any other benefit under this subchapter and trade readjustment allowances under the Act for which the worker is eligible. A worker described in this subdivision is eligible to receive benefits under this paragraph for the number of weeks necessary, in combination with other weeks for which the worker participated in approved training and received weekly cash assistance for any program under this subchapter, to enable the worker to participate in 104 weeks of training, no more than 26 weeks of which may be benefits received under the Act; or

Sec. 2. 26 MRSA §1191, sub-§4, ¶A, as amended by PL 1987, c. 570, §2, is further amended by repealing and replacing subparagraph (2), division (c) to read:

(c) Who is eligible for or who has exhausted, after the effective date of this paragraph, trade adjustment allowances as provided by the United States Trade Act of 1974, Title II, Chapter 2, Public Law 93-617, United States Code, Title 19, Section 2291, et seq. and any amendments or additions to or similar successor provisions of

2 that Act, referred to in this paragraph as the
3 "Act," except that:

4 (i) A worker who was eligible for and
5 received less than 26 weeks of benefits under
6 the United States Trade Act may receive
7 benefits for the number of weeks by which
8 that worker's benefits under that Act are
9 less than 26 weeks; or

10 (ii) A worker who was unable to enroll in
11 training after certification because of a
12 continuing part-time attachment to the
13 affected employer is eligible to receive
14 benefits under this paragraph after the
15 worker has exhausted any other benefit under
16 this subchapter and trade readjustment
17 allowances under the Act for which the worker
18 is eligible. A worker described in this
19 subdivision is eligible to receive benefits
20 under this paragraph for the number of weeks
21 necessary, in combination with other weeks
22 for which the worker participated in approved
23 training and received weekly cash assistance
24 for any program under this subchapter, to
25 enable the worker to participate in 104 weeks
26 of training, no more than 26 weeks of which
27 may be benefits received under the Act; or

30 Sec. 3. 26 MRSA §2051, as enacted by PL 1985, c. 346, §2, is
31 repealed and the following enacted in its place:

32 **§2051. Trade adjustment assistance for workers**

34 **1. Trade adjustment assistance for workers program.** The
35 Department of Labor, referred to in this section as the
36 "department," may administer and operate a program of trade
37 adjustment assistance to workers as provided under the United
38 States Trade Act of 1974, Title II, Chapter 2, Public Law 93-618,
39 United States Code, Title 19, Sections 2271 to 2322, referred to
40 in this subchapter as the "Act," and any amendments and additions
41 to the Act. The commissioner may adopt rules in accordance with
42 Title 5, chapter 375 to establish procedures implementing the Act.

43 **2. Eligibility determination.** When a worker applies for a
44 trade adjustment assistance program provided by the Act that is
45 administered and operated by the department, the department shall
46 determine that worker's eligibility within 20 days from the date
47 of the worker's application. If the trade adjustment assistance
48 of the worker's application. If the trade adjustment assistance

2 program for the worker involves participation or enrollment in an
3 educational institution or training program that must be
4 completed sooner than 20 days from the date of the worker's
5 application, the department shall make the eligibility
6 determination for that worker on an expedited basis to meet the
7 participation or enrollment requirement. The department shall
8 maintain a record of the length of time that the department has
9 taken to make an eligibility determination pursuant to this
10 subsection.

12 SUMMARY

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15 This bill requires the Department of Labor to make
16 eligibility determinations for workers who apply to participate
17 in training assistance under the United States Trade Act of 1974
18 within 20 days of the date of the worker's application, except
19 for cases in which an educational institution or training program
20 requires the determination to be made in a shorter period of
21 time, in which case this bill requires the Department of Labor to
22 make the eligibility determination on an expedited basis that
23 meets the shorter time requirement.

24
25 This bill also makes an exception to the provision that
26 denies dislocated worker benefits to a person who has received
27 benefits under the United States Trade Act of 1974 if the person
28 was unable to enroll in training after certification because of a
29 continuing part-time attachment to the affected employer. In
30 this situation, this bill allows the worker to receive dislocated
31 worker benefits after the worker has exhausted any other
32 unemployment benefit and trade readjustment allowances under the
33 United States Trade Act of 1974 for which the worker is
34 eligible. This worker is eligible to receive dislocated worker
35 benefits for the number of weeks necessary, in combination with
36 other weeks for which the worker participated in approved
37 training and received weekly cash assistance for any program
38 under the unemployment provisions, to enable the worker to
39 participate in 104 weeks of training, but no more than 26 weeks
40 of those weeks may be dislocated worker benefits.