

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1520

S.P. 467

In Senate, March 8, 2001

**An Act to Continue the Peer Support Program.**

(EMERGENCY)

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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 WINSOR of Norway and  
President Pro Tem BENNETT of Oxford, Senators: CATHCART of Penobscot, DOUGLASS  
of Androscoggin, President MICHAUD of Penobscot, ROTUNDO of Androscoggin,  
Representatives: GREEN of Monmouth, MAYO of Bath, McKEE of Wayne.

2           **Emergency preamble. Whereas.** Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4           **Whereas,** providing advocacy and information to displaced  
6 workers has a significant impact upon the economy of the State;  
and

8           **Whereas,** receiving notification and providing services to  
10 workers up to 6 months prior to a layoff will improve the  
affected workers' opportunities for reemployment; and

12           **Whereas,** in the judgment of the Legislature, these facts  
14 create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
16 necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

20           **Sec. 1. 26 MRSA §1164,** as amended by PL 1999, c. 464, §5, is  
22 further amended to read:

24           **§1164. Special Administrative Expense Fund**

26           The Special Administrative Expense Fund is created as a  
special fund in the State Treasury. All interest, fines and  
28 penalties collected under this chapter and all voluntary  
contributions tendered as a contribution to this fund must be  
30 paid into this fund. The money may not be expended or available  
for expenditure in any manner that would permit its substitution  
32 for, or a corresponding reduction in, federal funds that would in  
the absence of that money be available to finance expenditures  
34 for the administration of the Employment Security Law. Nothing  
in this section prevents the money from being used as a revolving  
36 fund to cover expenditures, necessary and proper under the law,  
for which federal funds have been duly requested but not yet  
38 received, subject to the charging of those expenditures against  
those funds when received. The money in this fund must be used  
40 by the commissioner either for the payment of costs of  
administration that are found not to have been properly and  
42 validly chargeable against federal grants or other funds received  
for or in the Employment Security Administration Fund on or after  
44 January 1, 1943, to finance the Maine Wage Assurance Fund  
established in section 632; for the payment of costs of  
46 administering chapter 26, for which federal funds are not  
available; to support the activities of the Peer Support Program  
48 for Displaced Workers established by chapter 26-A; or to fund  
activities that will improve the solvency of the Unemployment  
50 Compensation Fund. The money must be available either to satisfy

2 the obligations incurred by the bureau directly or by requesting  
4 the Treasurer of State to transfer the required amount from the  
6 Special Administrative Expense Fund to the Employment Security  
8 Administration Fund or the Maine Wage Assurance Fund. The  
10 Treasurer of State shall upon receipt of a written request of the  
12 commissioner make any such transfer. The commissioner shall give  
14 notice to the commission prior to any expenditures from this  
16 fund. The commissioner shall order the transfer of the funds or  
18 the payment of any such obligation and the funds must be paid by  
20 the Treasurer of State on requisitions drawn by the commissioner  
22 directing the State Controller to issue the State Controller's  
24 warrant for them. The warrant must be drawn by the State  
26 Controller based upon bills of particulars and vouchers certified  
28 by an officer or employee designated by the commissioner. The  
30 money in this fund is specifically made available to replace,  
within a reasonable time, any money received by this State  
pursuant to section 302 of the Federal Social Security Act as  
amended that, because of any action or contingency, has been lost  
or has been expended for purposes other than, or in amounts in  
excess of, those necessary for the proper administration of the  
Employment Security Law. The money in this fund must be  
continuously available to the commissioner for expenditure in  
accordance with this section and may not lapse at any time or be  
transferred to any other fund except as provided. Any money in  
the Special Administrative Expense Fund may be used to make  
refunds of interest, penalties or fines erroneously collected and  
deposited in the Special Administrative Expense Fund. On June  
30th of each year all money in excess of \$100,000 in this fund  
must be transferred to the Unemployment Compensation Fund.

32 **Sec. 2. 26 MRSA §2061**, as enacted by PL 1999, c. 506, §1 and  
affected by §3, is amended to read:

34 **§2061. Program created**

36 The Peer Support Program for Displaced Workers is created  
38 within the department to provide advocacy and information for  
40 workers displaced by significant layoffs. ~~The--program--may  
initiate--one--or--more--projects--to--assist--employees--as--provided--in  
this--chapter--and--as--resources--permit.~~ The department is  
42 authorized to use any available resources or to apply for federal  
44 grants to implement this chapter. ~~Any--funds--appropriated--by--the  
Legislature--for--a--pilot--program--or--this--program--may--not--lapse--but  
must--be--carried--forward.~~ The department shall make all  
reasonable efforts to seek, in a timely manner, any federal  
46 grants that may be available to support the purposes of this  
chapter. If federal funds are not available, or are insufficient  
48 to provide the services required by section 2062, the department  
shall use funds from the following sources in the following order  
50 of priority to provide these services:

2           1. Unobligated funds. Any unobligated funds available from  
3 grants received from the United States Department of Labor  
4 National Reserve Account or any other similar federal source;

6           2. Unexpended general funds. Any unexpended general funds  
7 carried forward from a prior fiscal year that are not already  
8 obligated in the current fiscal year;

10           3. Funds allocated. Funds allocated to the State by the  
11 Federal Government under the Workforce Investment Act, United  
12 States Code, Title 29, Chapter 30;

14           4. Funds deposited. Funds deposited in the Special  
15 Administrative Expense Fund established pursuant to section 1164;  
16 and

18           5. Funds available. Any other funds available to the  
19 department that may be used for this purpose.

20           Any funds appropriated by the Legislature for a pilot  
21 program or this program may not lapse but must be carried forward.

24           **Sec. 3. 26 MRSA §2062**, as enacted by PL 1999, c. 506, §1 and  
25 affected by §3, is amended to read:

26           **§2062. Peer Support Projects**

28           1. Initiation of project. When 100 50 or more employees of  
29 a single employer are laid off, or notice is given by an employer  
30 of that employer's intent to lay off 50 or more employees within  
31 the next 6-month period, the department shall initiate a peer  
32 support project to assist the affected employees. ~~The department~~  
33 ~~may initiate a project when 50 or more employees are laid off if~~  
34 ~~the bureau determines that a peer support project is warranted,~~  
35 ~~after considering the particular needs of the affected workforce~~  
36 ~~and the affected communities.~~

38           2. Employment and role of peer support workers. For each  
39 project, the department shall employ one or more peer support  
40 workers who must be displaced nonmanagerial employees from the  
41 affected workforce. The department shall attempt in all cases to  
42 hire one peer support worker for each 50 affected employees and  
43 ~~to~~ hire at least 2 peer support workers for each project  
44 involving more than a total of 100 affected workers. A peer  
45 support worker shall serve as a worker advocate and an  
46 information source connecting the affected workers and the  
47 State's workforce development programs. The peer support worker  
48 shall use the resources of local employment assistance programs  
49 as well as state programs. The department shall collaborate with  
50

2 employee representatives in hiring and overseeing peer support  
workers. The department shall ensure that peer support workers  
4 have an opportunity to receive training and to work as a team  
even if they are geographically dispersed.

6 **3. Duration of project.** ~~The department shall determine the~~  
~~duration of each project, taking into consideration~~ In  
8 determining the duration of each project site, the department  
shall consider the size, scope and nature of the layoff,  
10 including the average age and educational level of the laid-off  
work force, the unemployment rate in the affected community, the  
12 degree of training necessary to replace the employees' prior  
wages and benefits, whether the laid-off workers are eligible for  
14 assistance under the United States Trade Act of 1974, as amended,  
and the period of time over which the layoffs occur.

16 **Emergency clause.** In view of the emergency cited in the  
18 preamble, this Act takes effect when approved.

## 20 SUMMARY

22 The bill continues the Peer Support Program for Displaced  
24 Workers established in the First Regular Session of 119th  
Legislature by Public Law 1999, chapter 506. The bill does the  
26 following:

28 1. Requires the Department of Labor to make all reasonable  
efforts to seek, in a timely manner, any federal grants that may  
30 be available to support the program;

32 2. If federal funds are not available or are insufficient  
to provide the required services, the Department of Labor shall  
34 use certain prescribed funds in a prescribed order of priority to  
provide the required services to support the program;

36 3. Requires that a peer support project be initiated when  
38 50 or more employees of a single employer are laid off or notice  
is given by an employer of that employer's intent to lay off 50  
40 or more employees within the next 6-month period;

42 4. Requires the Department of Labor to hire one peer  
support worker for each 50 affected employees and at least 2 peer  
44 support workers for each project involving more than a total of  
100 affected workers; and

46 5. Requires the Department of Labor to consider the size,  
48 scope and nature of the layoff, including the average age and  
educational level of the laid-off work force, the unemployment  
50 rate in the affected community, the degree of training necessary

2 to replace the employees' prior wages and benefits, whether the  
laid-off workers are eligible for assistance under the United  
4 States Trade Act of 1974, as amended, and the period of time over  
which the layoffs occur.

6 The bill also allows funds of the Special Administrative  
Expense Fund to be used to support the activities of the Peer  
8 Support Program for Displaced Workers.