

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1093

S.P. 365

In Senate, March 4, 2003

**An Act to Conform State Workforce Development Laws to the
Federal Workforce Investment Act of 1998**

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 EDMONDS of Cumberland.
Cosponsored by Representative SMITH of Van Buren and
Senator: BRYANT of Oxford, Representative: JACKSON of Fort Kent.

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

2
4 **Sec. 1. 5 MRSA §1507, sub-§5-A.** as repealed and replaced by PL 1993, c. 349, §7, is amended to read:

6 **5-A. Job development training.** The Governor may allocate
8 funds from such account in amounts not to exceed in total the sum
10 of \$1,000,000 to provide funds for any unusual, unforeseen or
12 extraordinary needs for state assistance in creating jobs by
14 assisting in meeting the training requirements of labor-intensive
16 new or expanding industries. ~~In fiscal year 1989-90, \$75,000 of
18 this amount may also be allocated for immediate job training,
20 unemployment counseling, retraining and other assistance to
22 displaced workers. In fiscal year 1989-90, an additional \$75,000
24 of this amount may also be allocated for immediate job training,
26 unemployment counseling, retraining and other assistance to
28 displaced workers in the midcoast area of the State.~~ Allocations
for this purpose may be made from this fund by the Governor only
upon the written request of the Commissioner of Labor and the
Commissioner of Economic and Community Development and after
consultation with the State Budget Officer. The commissioners'
request to the Governor must be formulated subsequent to their
consultation with the Commissioner of Education, the President of
the Maine Technical College System and the director of the
appropriate service-delivery local workforce investment area as
defined by the ~~Job-Training-Partnership-Act~~ designated pursuant
to the federal Workforce Investment Act of 1998, Public Law
105-220.

30 **Sec. 2. 5 MRSA §1737, sub-§4,** as amended by PL 1997, c. 46,
32 §1, is further amended to read:

34 **4. Directed services.** Notwithstanding the provisions of
36 subsection 2, the director may provide insurance advice or
38 services for family foster homes as defined in Title 22, section
40 8101, subsection 3; specialized children's homes, as defined in
42 Title 22, section 8101, subsection 5; respite care providers as
44 defined in Title 34-B, section 6201, subsection 2-A; the Casco
Bay Island Transit District created by Private and Special Law
1981, chapter 22; the University of Maine System; the Maine
Technical College System; the Maine Maritime Academy; and the
State's ~~service-delivery~~ local workforce investment areas
designated under the federal ~~Job-Training-Partnership-Act~~
Workforce Investment Act of 1998, Public Law 97-300, as amended
105-220.

46 **Sec. 3. 20-A MRSA §12704, sub-§2, ¶D,** as amended by PL 1995,
48 c. 560, Pt. G, §5 and affected by §29, is further amended to read:

2 D. The employment and training programs funded under the
3 ~~United States Job Training Partnership Act~~ federal Workforce
4 Investment Act of 1998, Public Law 97-300 105-220, or its
5 successor, and overseen by the Department of Labor, Bureau
6 of Employment Services, or its successor; and

7 **Sec. 4. 26 MRSA c. 25** is amended by repealing the chapter
8 headnote and enacting the following in its place:

10 **CHAPTER 25**

12 **WORKFORCE INVESTMENT**

14 **Sec. 5. 26 MRSA §2001, sub-§1**, as enacted by PL 1983, c. 258,
16 §1, is amended to read:

18 **§2001. Definitions**

20 As used in this chapter, unless the context indicates
21 otherwise, the following terms have the following meanings.

22 ~~1. **Act.** "Act" means the Job Training Partnership Act, as~~
24 ~~established by the Federal Job Training Partnership Act, Public~~
25 ~~Law 97-300, enacted October 13, 1982.~~

26 2. **Commissioner.** "Commissioner" means the Commissioner of
28 Labor.

29 ~~3. **Job Training Partnership Fund.** "Job Training~~
30 ~~Partnership Fund" means a separate fund created by this chapter~~
31 ~~implementing the Job Training Partnership Act.~~

32 4. **Local area and local board.** "Local area" and "local
34 board" have the same meanings as provided in the Workforce
35 Investment Act.

36 5. **Workforce Investment Act.** "Workforce Investment Act"
38 means the federal Workforce Investment Act of 1998, Public Law
39 105-220.

40 **Sec. 6. 26 MRSA §2002**, as amended by PL 1983, c. 480, Pt. B,
42 §28, is repealed.

44 **Sec. 7. 26 MRSA §2003**, as enacted by PL 1983, c. 258, §1, is
45 amended to read:

46 **§2003. Authority of commissioner**

48 The commissioner may enter into agreements with agencies of
50 the Federal Government, State Government or county government as

2 required for the purpose of implementing the ~~Federal-Job-Training~~
3 ~~Partnership Workforce Investment Act.~~

4 **Sec. 8. 26 MRSA §2004**, as amended by PL 1987, c. 542, Pt. F,
5 §§3 and 5, is repealed.

6 **Sec. 9. 26 MRSA §2004-A** is enacted to read:

7 **§2004-A. Authority of Legislature**

8
9 The Legislature has general authority to oversee
10 implementation of the Workforce Investment Act, including, but
11 not limited to, authority to:

12
13 1. Review plans. Review plans, policies and standards
14 proposed by a local board, the Maine Jobs Council, the Governor
15 or any other agency under the Workforce Investment Act before
16 final approval by the responsible entity;

17
18 2. Review evaluations. Review the procedures and findings
19 of evaluations of the effectiveness of the State's implementation
20 of the Workforce Investment Act; and

21
22 3. Receive reports. Receive reports prepared by the Maine
23 Jobs Council, a local board, the Governor or any agency in
24 connection with implementation of the Workforce Investment Act,
25 including the report required by section 3101.

26
27 **Sec. 10. 26 MRSA §2006, sub-§§1 and 2**, as enacted by PL 1997,
28 c. 410, §12 and affected by §13, are amended to read:

29
30 **1. Responsibilities.** The Maine Jobs Council is established
31 ~~and in this section is referred to as the "council."~~ The council
32 will to ensure that the State's workforce development system
33 helps Maine people and businesses compete successfully in the
34 global economy. Specific responsibilities include but are not
35 limited to:

36
37 A. Performing all of the duties and responsibilities of the
38 ~~State--Human--Resource--Investment--Council~~ state board as
39 defined in the ~~United--States--Job--Training--Partnership~~
40 Workforce Investment Act, 29 United States Code, Title-29,
41 Section 1792 2801, including, but not limited to, the duties
42 and responsibilities set forth in subsection 5-D;

43
44 B. Recommending to the Governor ~~an annual~~ a state workforce
45 development plan designed to maximize utilization and
46 effectiveness of state workforce development services;

2 C. Monitoring agency and system-wide strategic goals based
on the statewide workforce development policy and strategic
plan and evaluating progress toward meeting those goals;

4
6 D. Providing recommendations to the Governor and the
Legislature that would improve system effectiveness and
reduce system fragmentation;

8
10 E. Creating greater coordination between economic
development and human resource development and education
programs; and

12
14 F. Ensuring a balance between rural and urban workforce
development;

16 G. Providing policy oversight and recommendations to ensure
18 the effectiveness of vocational programs for people with
disabilities in order to support efforts that reduce
20 barriers to employment;

22 H. Providing policy oversight and recommendations to ensure
that self-employment, microenterprise and small business are
24 part of the overall workforce development strategy;

26 I. Providing policy recommendations to ensure the
effectiveness of work-related programs and services for
28 youth, including youth with disabilities; and

30 J. Providing policy recommendations to ensure the
effectiveness of work-related programs and services for
32 "at-risk" youth.

34 2. **Membership.** The council consists of members appointed
by the Governor.

36 ~~A. If the State has received a waiver under the Omnibus~~
38 ~~Appropriations Act, 1997, United States Department of Labor~~
~~Appropriations, federal Public Law 104-208, Section 105, 35%~~
40 ~~Thirty-five percent~~ of the appointments must represent
42 business and industry with consideration given to a balance
among small, medium and large firms and 35% must represent
44 employees, with no less than 15% of the total membership on
the council representing organized labor. The remaining 30%
must represent the general public.

46 ~~B. If the State has not received a waiver under the Omnibus~~
48 ~~Appropriations Act, 1997, United States Department of Labor~~
~~Appropriations, federal Public Law 104-208, Section 105,~~
50 ~~appointments~~ Appointments must be made consistent with the
representation requirements of the ~~United States Job~~

2 ~~Training--Partnership--Act,--United--States--Code,--Title--29,~~
3 ~~Section---1792a~~ Workforce Investment Act, including
4 representatives from business and industry, organized labor,
5 state agencies responsible for human resource programs and
6 educational and community-based institutions.

7 The Governor shall ensure that the council and its technical
8 support group have sufficient expertise to effectively carry out
9 the duties and functions of the council.

10 **Sec. 11. 26 MRSA §2006, sub-§5**, as amended by PL 1997, c. 683,
11 Pt. D, §§7 and 8, is repealed.

12 **Sec. 12. 26 MRSA §2006, sub-§5-D**, as enacted by PL 1997, c.
13 683, Pt. D, §9, is repealed and the following enacted in its
14 place:
15

16 5-D. Workforce investment. In addition to its other
17 duties, the council shall perform the duties of the state board
18 under the Workforce Investment Act, referred to in this
19 subsection as "the Act."

20 A. The council shall assist the Governor in:

21 (1) Developing and continuously improving a statewide
22 system of activities funded under the Act or carried
23 out through a one-stop delivery system described in
24 Section 134(c) of the Act including review of local
25 plans and development of linkages to ensure
26 coordination and nonduplication among the programs and
27 activities with required and optional partners
28 described in Section 121(b) of the Act;

29 (2) Designating local areas as required in Section 116
30 of the Act;

31 (3) Developing allocation formulas for the
32 distribution to local areas of funds for youth
33 activities and adult employment and training activities
34 as allowed under Sections 133(b)(3)(B) and 128(b)(3)(B)
35 of the Act;

36 (4) Developing and continuously improving
37 comprehensive state performance measures including
38 state-adjusted levels of performance to assess the
39 effectiveness of the workforce investment activities of
40 the State as required under Section 136(b) of the Act;

41 (5) Developing an application for an incentive grant
42 under Section 503 of the Act;

2 (6) Preparing an annual report to the United States
4 Secretary of Labor as described in Section 136(d) of
 the Act;

6 (7) Commenting on measures taken pursuant to Section
8 113(b)(14) of the federal Carl D. Perkins Vocational
 and Applied Technology Education Act, 20 United States
10 Code, Section 2323(b)(14); and

12 (8) Developing the statewide statistics system
 described in Section 15(e) of the federal Wagner-Peyser
14 Act, 29 United States Code, Section 491-2(e).

16 B. The council has the necessary authority to carry out the
 purposes of this section.

18 C. The commissioner may appoint employees necessary to
20 carry out the council's responsibility under this subsection.

22 D. The commissioner may adopt rules, in accordance with
 Title 5, chapter 375, necessary to carry out the council's
24 responsibility under this subsection.

26 **Sec. 13. 26 MRSA §2006, sub-§7, ¶C, as enacted by PL 1997, c.**
 410, §12 and affected by §13, is amended to read:

28 C. The Governor shall appoint members to a technical
30 support group to assist the council in the performance of
 its duties and responsibilities. The Governor shall appoint
32 persons to serve on the technical support group for 3-year
 terms. The services provided by the State's various
34 workforce organizations must be fairly represented in the
 technical support group with consideration given to a
36 balance between rural and urban interests. Organizations
 with representation on the technical support group may
38 include, but are not limited to:

40 (1) ~~The Job-Training-Partnership-Act-Service-Delivery~~
 Areas local areas;

42 (2) Adult education;

44 (3) School-to-work;

46 (4) Providers that specialize in women's workforce
48 issues;

50 (5) Rehabilitation providers;

- 2 (6) Welfare-to-work;
- 4 (7) The University of Maine System;
- 6 (8) The Maine Technical College System;
- 8 (9) Applied technology education; and
- 10 (10) The Department of Economic and Community
12 Development, the Department of Education, the
14 Department of Human Services, the Department of Labor
and the State Planning Office.

16 **Sec. 14. 26 MRSA §2007** is enacted to read:

18 **§2007. Funding**

20 Funds received from the United States pursuant to the
22 Workforce Investment Act must be deposited in the Employment
24 Services Activity program account within the Department of
26 Labor. Funds must be deposited, administered and disbursed in
28 the same manner and under the same conditions and requirements as
provided by law for other federal funds in the State Treasury.
The commissioner shall ensure that management and use of the
federal funds comply with the requirements of the Workforce
Investment Act. Federal funds in the account do not lapse but
must be carried forward to be used to implement the Workforce
Investment Act.

30 **Sec. 15. 26 MRSA §2023, sub-§1, ¶C**, as enacted by PL 1991, c.
32 807, §2, is amended to read:

34 C. Travel payments according to the policies established by
36 the ~~United--States--Job--Training--Partnership--Act~~ service
providers under the Workforce Investment Act ;

38 **Sec. 16. 26 MRSA §2053**, as enacted by PL 1985, c. 346, §2, is
repealed.

40 **Sec. 17. 26 MRSA c. 33** is amended by repealing the chapter
42 headnote and enacting the following in its place:

44 **CHAPTER 33**

46 **MAINE WORKFORCE INVESTMENT SYSTEM**

48 **Sec. 18. 26 MRSA §2171**, as corrected by RR 1995, c. 1, §25,
50 is repealed.

2 Sec. 19. 26 MRSA §2171-A is enacted to read:

4 **§2171-A. Maine Workforce Investment System**

6 This chapter applies to actions taken under the Maine
8 Workforce Investment System. For the purposes of this chapter,
10 the "Maine Workforce Investment System" means all state and
12 federal education and training programs administered by the
14 Department of Labor and operated by a network of local boards and
16 service delivery providers, including:

18 1. Workforce Investment Act. The state program under the
20 federal Workforce Investment Act of 1998, Public Law 105-220; and

22 2. Maine Conservation Corps. The Maine Conservation Corps
24 under chapter 34.

26 Sec. 20. 26 MRSA §2172, sub-§1, as enacted by PL 1989, c. 408,
28 §3, is amended to read:

30 1. Application. This section applies to all on-the-job
32 training contracts entered into by any agency or organization,
34 public or private, that provides a wage subsidy for a trainee
36 with public funds, including all contracts written under the
38 Maine Job-Training Workforce Investment System.

40 Sec. 21. 26 MRSA §2172, sub-§4, as enacted by PL 1989, c. 408,
42 §3, is amended to read:

44 4. Apprenticeable occupations. With respect to each
46 placement under the Maine Job--Training Workforce Investment
48 System, the Department of Labor shall:

50 A. Determine whether the occupation is apprenticeable in
accordance with a list of apprenticeable occupations
provided by the State Apprenticeship and Training Council;

B. If the occupation is determined to be apprenticeable,
contact the State Apprenticeship and Training Council for
assistance in establishing an apprenticeship position that
would follow Maine Job-Training Workforce Investment System
placement;

C. Ensure that the State Apprenticeship and Training
Council provides a semiannual and annual list to the
Commissioner of Labor on both the number of Maine Job
Training Workforce Investment System referrals received and
the number of apprenticeship positions that were established
from the Maine Job--Training Workforce Investment System
referrals; and

2 D. If an apprenticeship program is developed under this
3 subsection, provide the trainee information on various
4 education and training opportunities that may be of
5 assistance for indenturing in the apprenticeship program.

6 **Sec. 22. 26 MRSA §2172-A, sub-§1**, as enacted by PL 1993, c.
7 630, Pt. A, §1, is amended to read:

8
9 **1. Notification to training applicants.** The Department of
10 Labor shall explain to each person seeking to enroll in a Maine
11 Job--Training Workforce Investment System program the general
12 nature of registered apprenticeship programs, that a registered
13 apprenticeship program is one of the job training options
14 available under the Maine Job--Training Workforce Investment
15 System and ascertain that person's interest in such a program.

16 **Sec. 23. 26 MRSA §2172-A, sub-§2, ¶¶B and C**, as enacted by PL
17 1993, c. 630, Pt. A, §1, are amended to read:

18
19 **B.** If the occupation appears on the list of apprenticeable
20 occupations, contact the State Apprenticeship and Training
21 Council for assistance in establishing a registered
22 apprenticeship program as part of or following Maine Job
23 Training Workforce Investment System training;

24
25 **C.** Ensure that the State Apprenticeship and Training
26 Council provides to the Commissioner of Labor a semiannual
27 and annual list of the number of Maine Job--Training
28 Workforce Investment System referrals received and the
29 number of registered apprenticeship positions established
30 from these referrals; and

31
32 **Sec. 24. 26 MRSA §2173, first ¶**, as enacted by PL 1989, c. 408,
33 §3, is amended to read:

34
35 Each person enrolled in a program under the Maine Job
36 Training Workforce Investment System shall ~~shall~~ must be provided an
37 informational pamphlet on labor law ~~which~~ that explains the
38 person's rights and responsibilities and lists the appropriate
39 agency to contact for additional information. The informational
40 pamphlet shall ~~shall~~ must be developed and disseminated to all Maine
41 Job--Training Workforce Investment System service providers by
42 January ~~17, 1990~~.

43
44 **Sec. 25. 26 MRSA §2173, sub-§§2 and 3**, as enacted by PL 1989,
45 c. 408, §3, are amended to read:

46
47 **2. Review with providers.** To enhance the trainees'
48 knowledge of labor law, the Maine Job--Training Workforce
49 Investment System service providers shall, when offering

2 prevocational services to program participants, review the
content of the informational pamphlet with the program
4 participants, unless the participants have already received this
review.

6 3. **Staff training.** The direct service staff of the Maine
Job-Training Workforce Investment System service providers shall
8 must receive training to expand their knowledge of the labor laws
contained in the informational pamphlet.

10 **Sec. 26. 26 MRSA §2182**, as amended by PL 1999, c. 532, §1, is
12 further amended to read:

14 **§2182. Participants**

16 The Corps shall strive to include a diversity of
participants. Priority must be given to those whose family
18 income is 150% or less of the nonfarm income official poverty
line as defined by the federal Office of Management and Budget as
20 revised annually in accordance with the United States Omnibus
Budget Reconciliation Act of 1981, Section 673, Subsection 2 and
22 to those who are ~~economically---disadvantaged~~ low-income
individuals as defined by the ~~United--States--Job--Training~~
24 ~~Partnership--Act,--Subchapter--II,--Public--Law--97-300~~ federal
Workforce Investment Act of 1998, 29 United States Code, Section
26 2801. A person is not eligible if that person has left a
secondary school for the purpose of participating in this
28 program. Corps members may be jointly enrolled in any state or
local job training program or human resource development program.

30
32 **SUMMARY**

34 This bill conforms state workforce development laws to the
federal Workforce Investment Act of 1998. The bill:

36 1. Deletes obsolete language relating to expenditures in
38 fiscal year 1989-90 and updates the reference to an entity that
must be consulted before recommending use of funds in the State
40 Contingent Account for job training purposes;

42 2. Updates the reference to local workforce investment
areas in the law allowing the State Risk Management Division to
44 provide insurance advice and services to certain entities;

46 3. Updates the reference in the law relating to
coordination of efforts between the Maine Technical College
48 System and related programs;

50 4. Corrects a chapter heading;

- 2 5. Defines terms used in the workforce investment chapter;
- 4 6. Repeals a section that created a special fund for
6 federal Job Training Partnership Act funds. The bill provides
updated language regarding funds for the federal Workforce
Investment Act of 1998;
- 8 7. Updates language authorizing the Commissioner of Labor
10 to enter into intergovernmental agreements to implement the
federal Workforce Investment Act of 1998 and language authorizing
12 a legislative committee to oversee implementation of the Act;
- 14 8. Updates language relating to the responsibilities of the
Maine Jobs Council, reorganizes language to avoid duplication and
16 ensures that appointments to the council are consistent with the
representation requirements of the federal Workforce Investment
18 Act of 1998;
- 20 9. Deletes language regarding the Maine Jobs Council that
is incorporated into a different subsection of the law;
- 22 10. Deletes obsolete language relating to the Human
24 Resource Development Council and replaces it with language
relating to the state board under the federal Workforce
26 Investment Act of 1998;
- 28 11. Updates a reference in language relating to technical
advisory committees;
- 30 12. Enacts language relating to management of funds
32 received from the Federal Government for implementation of the
federal Workforce Investment Act of 1998;
- 34 13. Updates a reference;
- 36 14. Repeals an obsolete one-time reporting requirement;
- 38 15. Updates a chapter heading;
- 40 16. Updates language relating to a labor education pamphlet
42 that is provided to participants in certain job training
programs. Deletes reference to repealed programs; and
- 44 17. Updates references in the law relating to the Maine
46 Conservation Corps.