

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1844

S.P. 639

In Senate, March 6, 2012

An Act To Amend the Laws Governing the Governor's Training Initiative Program

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator RECTOR of Knox. (GOVERNOR'S BILL)
Cosponsored by Representative TUTTLE of Sanford and
Senators: JACKSON of Aroostook, MARTIN of Kennebec, THIBODEAU of Waldo,
Representatives: DOW of Waldoboro, MAKER of Calais, NEWENDYKE of Litchfield,
PRESCOTT of Topsham.

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

2 **Sec. 1. 5 MRSA §13070-J, sub-§1, ¶D**, as amended by PL 2011, c. 380, Pt.
3 HHHH, §1, is further amended to read:

4 D. "Economic development incentive" means federal and state statutorily defined
5 programs that receive state funds, dedicated revenue funds and tax expenditures as
6 defined by section 1666 whose purposes are to create, attract or retain business
7 entities related to business development in the State, including but not limited to:

- 8 (1) Assistance from Maine Quality Centers under Title 20-A, chapter 431-A;
- 9 (2) The Governor's ~~Training~~ Jobs Initiative Program under Title 26, chapter 25,
10 subchapter 4;
- 11 (3) Municipal tax increment financing under Title 30-A, chapter 206;
- 12 (4) The jobs and investment tax credit under Title 36, section 5215;
- 13 (5) The research expense tax credit under Title 36, section 5219-K;
- 14 (6) Reimbursement for taxes paid on certain business property under Title 36,
15 chapter 915;
- 16 (7) Employment tax increment financing under Title 36, chapter 917;
- 17 (8) The shipbuilding facility credit under Title 36, chapter 919;
- 18 (9) The credit for seed capital investment under Title 36, section 5216-B;
- 19 (10) The credit for pollution-reducing boilers under Title 36, section 5219-Z; and
- 20 (11) The credit for Maine fishery infrastructure investment under Title 36,
21 section 5216-D.

22 **Sec. 2. 26 MRSA §2031**, as amended by PL 2009, c. 213, Pt. JJJ, §1, is further
23 amended to read:

24 **§2031. Governor's Jobs Initiative Program**

25 **1. Program established.** The Governor's ~~Training~~ Jobs Initiative Program, referred
26 to in this section as the "program," is established to encourage high-quality job creation
27 and expansion by directly linking the education and training resources of this State to job
28 opportunities. ~~The~~ To the extent of available resources, the program develops and
29 coordinates training for firms intending to expand or locate in this State, reorganize a
30 workplace to remain competitive or upgrade worker skills by providing essential work
31 competencies such as computer literacy, problem-solving strategies, critical thinking
32 skills, math and science proficiency and team-building skills.

33 **2. Administration.** The program is administered jointly by the Department of Labor
34 and the Department of Economic and Community Development under rules and
35 operating procedures adopted by the Commissioner of Labor and the Commissioner of
36 Economic and Community Development. Administrative costs are limited to 5% of
37 program funds.

1 **3. Interdepartmental review team.** An application for funding under the program
2 must be reviewed by an interdepartmental review team. The review team consists of 2
3 representatives from the Department of Labor, one of whom must be from the Center for
4 Workforce Research and Information, and 2 representatives from the Department of
5 Economic and Community Development.

6 **4. Criteria for program funding.** The following criteria must be demonstrated to
7 the committee by an applicant at the time of application. An applicant shall:

8 A. Work with the Department of Labor to analyze the occupational skills of the
9 unemployed work force in the designated labor market;

10 B. Provide a statement of commitment to long-term operation in this State; and

11 C. Comply with any other criteria that has been adopted by the Commissioner of
12 Labor in accordance with the Maine Administrative Procedure Act.

13 **5. Selection preference.** Preference must be given to an applicant that substantiates
14 one or more of the following at the time of application:

15 A. Formation of a local project partnership;

16 B. Employer willingness to leverage matching funds;

17 C. Investment in the lifelong learning and skills development of citizens of this State;

18 D. An increase in the local education and training capacity to support more than one
19 employer that is caused by a proposed project;

20 E. Provision of high-wage or high-skill employment, employee benefits and job
21 security;

22 F. Employer intention to expand or locate in economically depressed areas of this
23 State;

24 G. Employer willingness to hire new labor force entrants, economically
25 disadvantaged individuals, persons with disabilities or dislocated workers; or

26 H. Employer willingness to provide a registered apprenticeship for current
27 employees or new hires.

28 **6. Services.** Services that may be funded by the program include, but are not limited
29 to:

30 A. Recruitment;

31 B. Screening and assessment;

32 C. Workplace literacy;

33 D. Workplace safety;

34 E. Technical training;

35 F. On-the-job training;

36 G. Higher education;

- 1 H. Essential work competencies;
- 2 I. Job task analysis;
- 3 J. Coordination of employer consortia to access specialized training;
- 4 K. Technical assistance on work force capacity issues;
- 5 L. Technical assistance on worker training plans;
- 6 M. Small business training and technical assistance; and
- 7 N. Supportive services.

8 **7. Program standards.** The standards used by the Department of Labor and the
 9 Department of Economic and Community Development to evaluate the success of a
 10 project must include, but are not limited to:

- 11 A. The number of jobs created or retained in the project and participant
 12 demographics;
- 13 B. The cost per participant;
- 14 C. The average wage paid and benefits provided to participants at training
 15 completion;
- 16 D. The skills required by the participant to obtain jobs through the ~~training~~ program;
- 17 E. The number and percentage of participants who do not complete each program;
 18 and
- 19 F. The return on investment.

20 **8. Eligibility for funding.** Applicants eligible to receive funding from the program
 21 include, but are not limited to, employers, regional and local economic development
 22 agencies or partnerships, community-based organizations, job training service providers,
 23 registered apprenticeship service providers, local adult education providers and
 24 postsecondary education institutions.

25 An applicant that is not a business shall demonstrate, in partnership with a business or a
 26 consortium of businesses, the ability to link training services with actual job creation,
 27 expansion, upgrade or retention. Training provided under this section is considered
 28 approved training under the unemployment insurance laws and the laws regarding
 29 dislocated workers administered by the Department of Labor.

30 Training funds authorized under this section must be paid to the employer on a
 31 reimbursement basis.

32 **9. Report.** ~~The~~ For any year in which the program is funded, the Commissioner of
 33 Labor and the Commissioner of Economic and Community Development shall provide;
 34 to the joint standing committee of the Legislature having jurisdiction over labor ~~matters~~
 35 ~~and the joint standing committee of the Legislature having jurisdiction over business,~~
 36 commerce, research and economic development matters and the joint standing committee
 37 of the Legislature having jurisdiction over appropriations and financial affairs; an annual
 38 report by March 1st of ~~each~~ the next year, which must include, for each business assisted
 39 under this subchapter, the name and location of ~~each~~ the business, the number of

1 individuals trained or retrained, the dollar amount expended and, when applicable, the
2 number of new jobs created.

3 **10. Rules.** Rules adopted pursuant to this subchapter are routine technical rules as
4 defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

5 **11. Nonlapsing funds.** Any unencumbered balance of General Fund appropriations
6 remaining at the end of each fiscal year in this program may not lapse but must be carried
7 forward to be used for the same purposes.

8 **Sec. 3. Maine Revised Statutes headnote amended; revision clause.** In the
9 Maine Revised Statutes, Title 26, chapter 25, subchapter 4, in the subchapter headnote,
10 the words "governor's training initiative program" are amended to read "governor's jobs
11 initiative program" and the Revisor of Statutes shall implement this revision when
12 updating, publishing or republishing the statutes.

13 **SUMMARY**

14 This bill changes the name of the Governor's Training Initiative Program to the
15 Governor's Jobs Initiative Program, and it also specifies that the efforts of the program
16 are limited to the extent of available resources. The bill also fixes a cross-reference.