

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1685

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H.P. 1209

House of Representatives, May 7, 2019

### An Act To Facilitate Entry of Immigrants into the Workforce

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Reference to the Committee on Innovation, Development, Economic Advancement and Business suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative CLOUTIER of Lewiston.  
Cosponsored by Senator LIBBY of Androscoggin and  
Representatives: BRENNAN of Portland, DAUGHTRY of Brunswick, FECTION of  
Biddeford, HANDY of Lewiston, HARNETT of Gardiner, PERRY of Bangor, SYLVESTER  
of Portland, TEPLER of Topsham.

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

2 **Sec. 1. 10 MRSA c. 110, sub-c. 13** is enacted to read:

3 **SUBCHAPTER 13**

4 **FOREIGN CREDENTIALING AND SKILLS RECOGNITION**  
5 **REVOLVING LOAN PROGRAM**

6 **§1100-AA. Foreign Credentialing and Skills Recognition Revolving Loan Program**

7 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
8 following terms have the following meanings.

9 A. "Eligible costs" means the following costs incurred by an immigrant prior to the  
10 immigrant's obtaining a work permit and incurred for the purpose of improving the  
11 immigrant's work-readiness once the immigrant obtains a work permit:

12 (1) Costs of translating into English any diplomas, transcripts or other  
13 documents establishing courses studied or the completion of secondary school or  
14 of higher education at either the undergraduate or graduate level;

15 (2) Fees related to education evaluations establishing the equivalency level of  
16 education or experience attained abroad;

17 (3) Costs of translation into English of documents related to professional licenses  
18 or registrations obtained abroad;

19 (4) Costs of translation into English of letters of reference or recommendations  
20 related to education or experience obtained abroad;

21 (5) Fees related to test preparation courses or registration fees for a standard test  
22 of English as a foreign language or other standardized test recognized worldwide  
23 that measures English language proficiency, when necessary for an immigrant's  
24 work;

25 (6) Expenses for employment or professional applications, certifications,  
26 licensing fees and related requirements for seeking employment, including but  
27 not limited to fingerprinting and required tests;

28 (7) Fees related to obtaining a Maine driver's license, including but not limited to  
29 driver's education course fees, learner's permit application fees and driver's  
30 license fees; and

31 (8) Costs to travel to the nearest location of any exam or test needed to establish  
32 the applicant's skills or credentials or English language proficiency if there is no  
33 location within 60 miles of the Maine town in which the immigrant resides.

34 B. "Fund" means the Foreign Credentialing and Skills Recognition Revolving Loan  
35 Program Fund, established in subsection 3.

36 C. "Immigrant" means a person who:

- 1                   (1) Is not a United States citizen;
- 2                   (2) Has filed applications or petitions with the United States Citizenship and
- 3                   Immigration Services or with the immigration courts of the United States
- 4                   Department of Justice, Executive Office for Immigration Review or with any
- 5                   successor federal immigration authority entitling the person to request a work
- 6                   permit while the person's applications or petitions are pending; and
- 7                   (3) Has received education, work experience or work training, or any
- 8                   combination, in a foreign country.

9                   D. "Program" means the Foreign Credentialing and Skills Recognition Revolving  
10                   Loan Program, established in subsection 2.

11                   E. "Work permit" means a federal authorization of a person who is not a United  
12                   States citizen to work in the United States.

13                   **2. Program established.** The Foreign Credentialing and Skills Recognition  
14                   Revolving Loan Program is established to provide financial assistance to immigrants who  
15                   need assistance in paying for eligible costs.

16                   **3. Fund established.** The Foreign Credentialing and Skills Recognition Revolving  
17                   Loan Program Fund is established as a nonlapsing revolving fund to be administered by  
18                   the authority. All amounts appropriated to the program must be deposited into the fund  
19                   as well as all amounts repaid to the program by persons receiving loans under the  
20                   program. Amounts in the fund must be used by the authority for purposes authorized in  
21                   this section.

22                   **4. Eligible applicants.** To be eligible to receive assistance from the fund an  
23                   immigrant:

24                   A. Shall apply to the authority to participate in the program. The application may be  
25                   filed directly by the immigrant or, at the request of and on behalf of the immigrant,  
26                   by an adult education program of a school administrative unit that provides English  
27                   as a second language, job skills or other instruction or assistance to improve the work  
28                   readiness of the immigrant;

29                   B. Must have filed an application or petition with federal immigration authorities  
30                   that entitles the immigrant to request a work permit in any of the categories set forth  
31                   in 8 Code of Federal Regulations, Section 274a.12(c)(2019). The immigrant shall  
32                   provide electronic or paper evidence establishing that the application or petition was  
33                   filed with federal immigration authorities and shall state which section of 8 Code of  
34                   Federal Regulations, Section 274a.12(c)(2019) allows the immigrant to request a  
35                   work permit. An immigrant is not eligible if the immigrant has been denied a work  
36                   permit at the time of making the application. In the case of asylum seekers, an  
37                   immigrant is eligible if the immigrant's request for asylum has been pending for  
38                   fewer than 150 days since the date of its filing and the immigrant has not yet been  
39                   able to apply for a work permit pursuant to 8 Code of Federal Regulations, Section  
40                   274a.12(c)(8)(2019) or, if more than 150 days have elapsed since the asylum  
41                   application was filed, the immigrant has applied for, but has not received, a denial of  
42                   the work permit application at the time of making the application to the program; and

1           C. Shall submit evidence of incurring or needing to incur eligible costs.

2           **5. Disbursement from the fund.** Upon approval of an immigrant, the authority  
3 shall determine the amount to be disbursed from the fund to the immigrant. Funds must  
4 be disbursed directly to and used by the immigrant pursuant to a contract entered into  
5 between the immigrant and the authority in accordance with subsection 6. Funds must be  
6 disbursed by the authority in one lump sum in the form of an interest-free loan. An  
7 immigrant may not receive more than the maximum amount established by the authority,  
8 regardless of whether the immigrant submits one or multiple applications to the fund.

9           **6. Treatment of loans.** Amounts loaned to an individual under the program are not  
10 income for purposes of any municipal general assistance program as defined by Title 22,  
11 section 4301, subsection 7.

12           **7. Contract.** An individual who has been approved for participation in the program  
13 shall enter into a contract with the authority. The contract governs the administration of  
14 the program and the use of funds. The contract must include the following terms and  
15 conditions:

16           A. Agreement by the individual that the individual will use the funds only to pay for  
17 eligible costs;

18           B. Agreement by the individual to repay the loan in compliance with the terms and  
19 conditions established by the authority;

20           C. Agreement by the individual to retain copies of receipts for expenditures on  
21 eligible costs incurred and provide these to the authority upon request for auditing or  
22 reporting purposes;

23           D. A provision that, if the individual breaches the contract with the authority, the  
24 authority may require immediate repayment of the loan to the authority; and

25           E. Any other terms and conditions the authority determines appropriate.

26           **8. Administrative costs.** The authority may charge the fund reasonable  
27 administrative fees, not to exceed 5%, for its administration of the fund.

28           **9. Financing terms and conditions.** Loans under the program must conform to the  
29 following requirements.

30           A. A loan to any individual for eligible costs may not exceed \$700, but this limit  
31 may be adjusted upward at least biannually by the authority to reflect inflation or cost  
32 of living or other necessary adjustments;

33           B. Loans are not subject to interest;

34           C. Loans must be repaid in full by an individual within 18 months of disbursement  
35 by the authority, together with any reasonable administrative fee established by the  
36 authority not to exceed 5% of the total of the loan funds disbursed to the individual,  
37 except that:

38           (1) In any case of demonstrable hardship, the authority may allow extensions of  
39 time for repayment or other flexibility in repayment terms; and

