

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1539

H.P. 991

House of Representatives, April 6, 2023

**An Act to Promote a Diverse, More Experienced Construction
Workforce and Ensure High-quality Careers by Increasing
Registered Apprenticeship Programs**

Reference to the Committee on Labor and Housing suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative GERE of Kennebunkport.
Cosponsored by Representatives: DOUDERA of Camden, GATTINE of Westbrook, GOLEK
of Harpswell, LaROCHELLE of Augusta, RUSSELL of Verona Island, SKOLD of Portland,
Senator: PIERCE of Cumberland.

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

2 **Sec. 1. 26 MRSA §3201, sub-§23-A** is enacted to read:

3 **23-A. Total package value.** "Total package value" means the hourly sum of the
4 following:

5 A. Wages;

6 B. The dollar value of employer-paid health insurance; and

7 C. The dollar value of employer-paid retirement contribution benefits, except those
8 retirement contribution benefits that require the employee to match the employer-paid
9 contributions for the employee to access the retirement fund offered by the employer.

10 **Sec. 2. 26 MRSA §3203, sub-§1, ¶B,** as enacted by PL 2011, c. 491, §13, is
11 amended to read:

12 B. A description of how successful apprenticeship will be measured, which for an
13 individual apprentice may be a time-based approach, a competency-based approach or
14 a hybrid approach. An apprenticeship program must require a minimum of 2,000 hours
15 of on-the-job learning, except that 3,000 hours of on-the-job training is required in the
16 construction industry.

17 (1) The time-based approach measures skill acquisition through the individual
18 apprentice's completion of 2,000 to 10,000 hours of on-the-job learning as
19 described in a work process schedule or, in the construction industry, 3,000 to
20 10,000 hours of on-the-job learning as described in a work process schedule.

21 (2) The competency-based approach measures skill acquisition through the
22 individual apprentice's successful demonstration of acquired skills and knowledge,
23 as demonstrated by an appropriate written and hands-on proficiency measurement.
24 An apprenticeship program using the competency-based approach must still
25 require apprentices to complete an on-the-job learning component of registered
26 apprenticeship. The apprenticeship program's standards must address how on-the-
27 job learning will be integrated into the apprenticeship program, describe
28 competencies and identify an appropriate means of testing and evaluation for such
29 competencies.

30 (3) The hybrid approach measures the individual apprentice's skill acquisition
31 through a combination of a specified minimum number of hours of on-the-job
32 learning and the successful demonstration of competency as described in a work
33 process schedule.

34 The determination of the appropriate approach for the apprenticeship program's
35 standards is made by the sponsor, subject to approval by the Maine Apprenticeship
36 Program of the determination as appropriate to the apprenticeable occupation for which
37 the apprenticeship program is registered;

38 **Sec. 3. 26 MRSA §3203, sub-§1, ¶D,** as enacted by PL 2011, c. 491, §13, is
39 amended to read:

40 D. Provision for at least 144 hours of related instruction for each year of
41 apprenticeship, except that at least 300 hours of related instruction is required in the
42 construction industry. An apprenticeship instructor must:

1 (1) Meet the Department of Education's requirements for a career and technical
2 education instructor or be a subject matter expert, such as a journeyman, who is
3 recognized within an industry as having expertise in a specific occupation; and

4 (2) Have training in teaching techniques and adult learning styles. This training
5 may occur before or after the apprenticeship instructor has started to provide the
6 related instruction;

7 **Sec. 4. 26 MRSA §3206, sub-§4** is enacted to read:

8 **4. Construction industry registered apprenticeships.** An apprenticeship program
9 in the construction industry that does not meet the standards in section 3203 is granted
10 provisional status and has one year to adjust and resubmit its training hours to the Maine
11 Apprenticeship Council for approval. The department may grant a waiver for an
12 apprenticeship program in the construction industry that does not meet the standards in
13 section 3203 for an additional 6 months if the department determines there is a hardship
14 preventing compliance. If, after one year, or after 18 months if granted a waiver by the
15 department, an apprenticeship program in the construction industry does not submit proof
16 of adjustment to the training hours required by section 3203, the program must be
17 deregistered and is not eligible for registration for one year after being deregistered.

18 **Sec. 5. 26 MRSA §3211, sub-§8** is enacted to read:

19 **8. Monetary incentive program for historically underrepresented populations in**
20 **the construction industry.** The Maine Apprenticeship Council shall, in coordination with
21 the department, establish a financial incentive program for registered apprenticeships in the
22 construction industry to recruit historically underrepresented populations. No more than
23 50% of the funds granted under this program may be allocated to the registered
24 apprenticeship sponsor, and the remaining 50% of the funds must be reserved for stipends
25 for registered apprentices who meet the criteria established under this program.

26 **Sec. 6. 26 MRSA §3211, sub-§9** is enacted to read:

27 **9. Department, Maine Apprenticeship Council to establish criteria for funding**
28 **registered apprenticeships in the construction industry.** The Maine Apprenticeship
29 Council shall, in coordination with the department, establish criteria for funding registered
30 apprenticeship programs in the construction industry. The criteria must establish
31 benchmarks and consider the total package value that a registered apprentice graduate earns
32 upon transitioning to journeyman status. The total package value must meet or exceed \$40
33 per hour for the registered apprenticeship to receive funding under this subsection.

34 SUMMARY

35 This bill increases from 2,000 to 3,000 the minimum number of hours of on-the-job
36 training required in registered apprenticeship programs in the construction industry. It also
37 increases from 144 to 300 the number of required hours of related instruction for each year
38 of apprenticeship in the construction industry. It specifies that if an apprenticeship program
39 does not currently meet this increased number of hours of on-the-job training and hours of
40 related instruction, the program is granted provisional status and is given one year to
41 comply. The Department of Labor may grant a 6-month waiver if there is a hardship
42 preventing compliance. If after that time the apprenticeship program in the construction

1 industry does not submit proof of adjustment of the training hours, the program must be
2 deregistered and is not eligible for registration for one year after being registered.

3 The bill also requires the Maine Apprenticeship Council and the Department of Labor
4 to establish a financial incentive program for registered apprenticeships in the construction
5 industry to recruit historically underrepresented populations. The bill also requires the
6 Maine Apprenticeship Council and the Department of Labor to establish criteria for
7 funding registered apprenticeship programs in the construction industry. The criteria must
8 establish benchmarks and consider the total package value that a registered apprentice
9 graduate earns upon transitioning to journeyman status.