

MAINE STATE LEGISLATURE

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N I N E T Y - F I F T H L E G I S L A T U R E

Legislative Document

No. 1072

S. P. 458

In Senate, March 2, 1951.

Referred to the Committee on Labor, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Reid of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT Amending the Voluntary Apprenticeship Law.

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

Sec. 1. R. S., c. 25, § 116, amended. Section 116 of chapter 25 of the revised statutes is hereby amended to read as follows:

'Sec. 116. Definitions. When used in section 116 to ~~120~~ 122, inclusive, "apprentice" shall mean a person at least 16 years of age, employed under a written agreement to work at and learn a specific trade; "apprentice agreement" shall mean a written agreement entered into by an apprentice or organization of employees with an employer, or with an association of employers, which agreement provides for not less than 4,000 hours of reasonably continuous employment for the apprentice, for his participation in a definite sequency of job training, and for ~~at least 144 hours per year of related and supplemental instruction~~ such related and supplemental instruction as may be deemed necessary to qualify as a journeyman in the particular trade effected; "council" shall mean the state apprenticeship council.'

Sec. 2. R. S., c. 25, § 117, amended. Section 117 of chapter 25 of the revised statutes is hereby amended to read as follows:

Sec. 117. State apprenticeship council. The state apprenticeship council, as heretofore established, shall be composed of 9 members to be appointed by the governor and made up as follows: 3 members shall be representatives of employees, two of whom shall be bona fide members of a recognized major labor organization; 3 members shall be representatives of employers, two of whom shall be bona fide employers or authorized representatives of bona fide employers; and 3 members shall be representatives of the public and shall be selected from neither industrial employers or employees, nor shall they be directly concerned with any particular industrial employer or employee. The appointments shall be made so that the term of one member of each group shall expire each year. Each member shall hold office until his successor is appointed and qualified, and any vacancy shall be filled by appointment for the unexpired portion of the term. The chairman of the council shall be named by the members of the council from the group which represents the public. The director of vocational education and the commissioner of labor and industry shall be available to the council for consultation. **The members of the council shall receive no reimbursement for their services, but shall be reimbursed for travel at the same mileage rate and on the same basis as regular state employees and shall receive reimbursement for subsistence necessarily incurred in the performance of their duties.**

The council shall :

~~I. Establish standards, through joint action of employers and employees, and assist in the development of apprenticeship agreements in conformity with the provisions of sections 116 to 120, inclusive;~~

I. Establish standards, through joint action of employers and employees, and assist in the development of apprenticeship programs in conformity with the provisions of sections 116 to 122, inclusive, and generally encourage and promote the establishment of apprenticeship programs.

II. Register or terminate or cancel the registration of apprenticeship programs and apprentice agreements.

III. Issue such certificates of completion of apprenticeship as shall be authorized by the council to apprentices who have been certified by a joint apprenticeship committee or employer as satisfactorily completing their training.

IV. Keep a record of apprenticeship programs and apprentice agreements.

V. Cooperate with the state department of education and the local school authorities in the organization and establishment of classes of related and supplemental instruction for apprentices employed under approved agreements.

~~II.~~ **VI.** Issue such rules and regulations as may be necessary to carry out the intent and purpose of said sections; ~~and.~~

~~III.~~ **VII.** Make an annual report to the governor of its activities and the results thereof, which report shall be published and made available to the public.

Meetings of the council shall be held quarterly and as often as is necessary in the opinion of the majority of the council. The chairman shall designate the time and place of the meetings and the secretary shall notify all council members at least 1 week in advance of each meeting. A majority of the membership of the council shall constitute a quorum, provided that each group has at least 1 representative present.'

Sec. 3. R. S., c. 25, § 118, amended. Section 118 of chapter 25 of the revised statutes is hereby amended to read as follows:

'Sec. 118. Apprenticeship agreements. For the purpose of sections 116 to ~~120~~ 122, inclusive, an apprenticeship agreement is:

- I. An individual written agreement between an employer and an apprentice; or
- II. A written agreement between an employer, or an association of employers, and an organization of employers describing conditions of employment for apprentices.

All such agreements shall conform to the basic standards and other provisions of sections 116 to ~~120~~ 122, inclusive, and shall be approved by and registered with the apprenticeship council.'

Sec. 4. R. S., c. 25, § 119, amended. Section 119 of chapter 25 of the revised statutes is hereby amended to read as follows:

'Sec. 119. Standards for apprenticeship agreements. Standards for apprenticeship agreements are as follows:

- I. A statement of the trade or craft to be taught and the required hours for completion of apprenticeship which shall be not less than 4,000 hours of reasonably continuous employment;
- II. A statement of the processes in the trade or craft divisions in which

the apprentice is to be taught and the approximate amount of time to be spent at each process ;

III. A statement of the number of hours to be spent by the apprentice in work ~~and the number of hours to be spent in related and supplemental instruction, which instruction shall be not less than 144 hours per year~~ and a statement of educational subjects to be studied and mastered. Where formal classroom instruction can be established by the state department of education a statement that such classes shall operate at least 144 hours per year ;

IV. A statement that the apprentices shall be not less than 16 years of age ;

V. A statement of the progressively increasing scale of wages to be paid the apprentice ;

VI. Provision for a period of probation during which the apprenticeship council shall be directed to terminate the apprenticeship agreement at the request in writing of any party thereto. After the probationary period, the apprenticeship council shall be empowered to terminate the registration of an apprentice upon agreement of the parties ;

VII. Provision that the services of the apprenticeship council may be utilized for consultation regarding the settlement of differences arising out of the apprenticeship agreement, where such differences cannot be adjudged locally or in accordance with the established trade procedure ;

VIII. Provision that if an employer is unable to fulfill his obligation under the apprenticeship agreement he may transfer such obligation to another employer ;

IX. Such additional standards as may be prescribed in accordance with the provisions of sections 116 to ~~120~~ 122, inclusive.'

Sec. 5. R. S., c. 25, § 120, repealed and replaced. Section 120 of chapter 25 of the revised statutes is hereby repealed and the following enacted in place thereof :

'Sec. 120. Related and supplemental instruction. Related and supplemental instruction for apprentices, coordination of instruction with work experiences and the selection of teachers and coordinators for such instruction shall be the responsibility of the state and local boards of education. The state department of education shall be responsible and make provision, subject to the department's decision on the allotment of its funds, for re-

lated and supplemental instruction for apprentices as may be employed under apprenticeship programs registered and approved by the council.'

Sec. 6. R. S., c. 25, §§ 121 and 122, additional. Chapter 25 of the revised statutes is hereby amended by adding thereto 2 new sections, to be numbered 121 and 122, to read as follows:

'Sec. 121. Local, regional and state joint apprenticeship committees. Local and state joint apprenticeship committees may be approved, in any trade or group of trades, in cities, regions of the state or trade areas, by the council, whenever the apprentice training needs of such trade or group of trades or such regions justify such establishment. Such local, regional or state joint apprenticeship committees shall be composed of an equal number of employer and employee representatives selected by the respective local or state employer and employee organizations in such trade or groups of trades; also such advisory members representing local boards or other agencies as may be deemed advisable. In a trade or groups of trades in which there is no bona fide employer or employee organization, a joint committee may be composed of persons known to represent the interests of employers and of employees respectively, or a state joint apprenticeship committee may be approved as the joint committee in such trade or group of trades. Subject to the review of the council and in accordance with the standards established by the council, such committees may devise standards for apprenticeship agreements and give such aid as may be necessary in their operation, in their respective trades and localities.

Sec. 122. Voluntary acceptance of §§ 116-122. Nothing in sections 116 to 122, inclusive, or in any apprenticeship agreement approved under the provisions of said sections, shall operate to invalidate any apprenticeship provision in any collective bargaining agreement between employers and employees setting up higher apprenticeship standards. Provided also that none of the terms or provisions of sections 116 to 122, inclusive, shall apply to any person, firm, corporation or craft unless and until such person, firm, corporation or craft voluntarily elects that the terms and provisions of said sections shall apply.'