

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

**PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TENTH LEGISLATURE

1981

1981-82 1982-83

HUMAN SERVICES, DEPARTMENT OF

Bureau of Resource Development -
Long Term Care

All Other \$500,000 \$750,000

Effective September 18, 1981

CHAPTER 512

S. P. 642 — L. D. 1662

AN ACT to Establish and Coordinate Training, Education and Employment Programs for Recipients of Aid to Families with Dependent Children.

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

Sec. 1. 5 MRSA § 7002, sub-§ 2, ¶I is enacted to read:

I. The director shall work with the Maine Aid to Families with Dependent Children Coordinating Committee for the purpose of developing, promoting and identifying employment opportunities for recipients of Aid to Families with Dependent Children consistent with the policy and intent of Title 22, chapter 1054.

Sec. 2. 10 MRSA § 751, sub-§ 1, ¶G, as enacted by PL 1973, c. 633, § 2, is amended to read:

G. Perform such other duties as may be directed by the authority in the carrying out of the purposes of this chapter; and

Sec. 3. 10 MRSA § 751, sub-§ 1, ¶H is enacted to read:

H. Provide information to the Maine Aid to Families with Dependent Children Coordinating Committee established pursuant to Title 22, section 3773, regarding employment opportunities available to recipients of Aid to Families with Dependent Children under this chapter and assist the committee in the referral and placement of these persons.

Sec. 4. 10 MRSA § 752, sub-§ 11, ¶¶D and E, as enacted by PL 1975, c. 566, § 8, are amended to read:

D. Evidence of management and planning capability of the applicant; and

E. Applicant to submit a comprehensive plan that demonstrates, to the satisfaction of the authority, that the project, with proper management, will be capable of achieving the revenue and employment goals set forth by the applicant; **and**

Sec. 5. 10 MRSA § 752, sub-§ 11, ¶F, is enacted to read:

F. Applicant shall identify the percentage of permanent jobs which will be targeted to recipients of Aid to Families with Dependent Children. The applicant shall submit an employment plan describing potential opportunity for Aid to Families with Dependent Children recipients including types of jobs, skills required and training necessary for placement.

Sec. 6. 10 MRSA § 864, sub-§ 3, ¶E, sub-¶ (3), as enacted by PL 1977, c. 489, § 12, is amended to read:

(3) It is unlikely that public facilities meeting the needs of such users and securing comparable public benefit will become available in the reasonably foreseeable future; **and**

Sec. 7. 10 MRSA § 864, sub-§ 3, ¶F is enacted to read:

F. The project will, to the extent possible, make a commitment to provide employment to recipients of Aid to Families with Dependent Children; and

Sec. 8. 10 MRSA § 917, sub-§§ 6 and 7, as enacted by PL 1977, c. 548, § 1, are amended to read:

6. Climate for economic development. Promotion of an improved climate for economic development in the State; **and**

7. Coordination of development efforts. Coordination of development efforts for more successful project development through serving as a broad liaison with diverse groups and parties in all sectors and bringing together needed resources for particular projects; **and**

Sec. 9. 10 MRSA § 917, sub-§ 8 is enacted to read:

8. Employment opportunities. Coordination with the Maine Aid to Families with Dependent Children Coordinating Committee for the purpose of identifying and developing employment opportunities for recipients of Aid to Families with Dependent Children consistent with the policy and intent of Title 22, chapter 1054.

Sec. 10. 20 MRSA § 2251, sub-§ 13, as repealed and replaced by PL 1967, c. 400, is amended to read:

13. Commuter education. To make the most effective use possible of the financial resources allocated to public higher education by maximum emphasis on commuter facilities; **and**

Sec. 11. 20 MRSA § 2251, sub-§ 14 is enacted to read:

14. Aid to Families with Dependent Children recipients. To develop programs with the goal of enabling recipients of Aid to Families with Dependent Children to achieve educational and skill levels that will enable them to compete for employment which can eliminate their dependency on public assistance.

Sec. 12. 20 MRSA § 2257 is enacted to read:

§ 2257. Educational opportunities for recipients of Aid to Families with Dependent Children

In conjunction with the Maine Aid to Families with Dependent Children Coordinating Committee established in Title 22, chapter 1054, the University of Maine:

1. Placement. Shall promote opportunities for educational placement for recipients of Aid to Families with Dependent Children who meet the admission requirements; and

2. Supportive services. Within the limits of available funds for supportive services, shall make available to recipients opportunities for supportive services which include but are not limited to remedial educational courses, day care services, counseling services and other programs and services consistent with the policy and intent of Title 22, chapter 1054.

Sec. 13. 20 MRSA § 2261-A, sub-§§ 4 and 5, as enacted by PL 1979, c. 602, § 3, are amended to read:

4. Supplementary programs. Provide supplementary educational programs to upgrade those persons already employed or retrain persons for new employment opportunities; and

5. Special programs. Provide special programs for disadvantaged and handicapped persons to permit them to take maximum advantage of their aptitudes and interests; and

Sec. 14. 20 MRSA § 2261-A, sub-§ 6 is enacted to read:

6. Aid to Families with Dependent Children recipients. Develop programs with the goal of enabling recipients of Aid to Families with Dependent Children to achieve educational and skill levels that will allow them to compete for employment which can eliminate their dependency on public assistance.

Sec. 15. 20 MRSA § 2261-B is enacted to read:

§ 2261-B. Educational opportunities for recipients of Aid to Families with Dependent Children

In conjunction with the Maine Aid to Families with Dependent Children Coordinating Committee established in Title 22, chapter 1054, the vocational-technical institutes shall:

1. **Placement.** Promote opportunities for educational placement for recipients of Aid to Families with Dependent Children who meet admission requirements; and

2. **Supportive services.** Within available funds for supportive services, make available to recipients opportunities for supportive services which include but are not limited to remedial courses and other prevocational preparation, day care services, counseling services and other programs and services consistent with the policy and intent of Title 22, chapter 1054.

Sec. 16. 22 MRSA c. 1054 is enacted to read:

CHAPTER 1054

THE JOB OPPORTUNITIES ACT OF 1981

§ 3771. Policy and intent

It is the policy of the State to use available resources and institutions to provide education, training and job opportunities to qualified and eligible recipients of the Aid to Families with Dependent Children Program with the goal of enabling them to become self-sufficient and to eliminate their dependency on public assistance.

It is the intent of this chapter to commit these resources and institutions to this goal, and to provide for effective coordination that can result in recipients of Aid to Families with Dependent Children becoming self-sufficient.

§ 3772. Definitions

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

1. **Committee.** "Committee" means the Maine Aid to Families with Dependent Children Coordinating Committee established in section 3773.

2. **Participant.** "Participant" means a registrant who has been certified by the Department of Human Services in accordance with applicable federal law and regulations.

3. **Recipient.** "Recipient" means an individual who has been determined to be eligible for the Aid to Families with Dependent Children Program.

4. **Registrant.** "Registrant" means an applicant or recipient of Aid to Families with Dependent Children under the United States Social Security Act, Title IV (A) who has registered with the Department of Manpower Affairs for

manpower services, training and employment under the Work Incentive Program pursuant to the United States Social Security Act, Title IV (C).

§ 3773. **Maine Aid to Families with Dependent Children Coordinating Committee**

1. **Committee established.** There is established the Maine Aid to Families with Dependent Children Coordinating Committee consisting of the Commissioners of Human Services, Manpower Affairs and Educational and Cultural Services or their designees. Nothing in this chapter shall be construed to supplant the roles of the Department of Manpower Affairs and the Department of Human Services in administering the federally mandated Work Incentive Program in Maine.

2. **Committee purpose.** The purpose of this committee is to carry out state policy and legislative intent to provide education, training and job opportunities for Aid to Families with Dependent Children recipients pursuant to this chapter.

3. **Duties and responsibilities.** The duties and responsibilities of the committee shall include:

A. Encouraging the establishment of a single administrative office for the Work Incentive Program in which all Work Incentive Program staff with statewide responsibility from the Department of Human Services and the Department of Manpower Affairs will be located;

B. Preparation of a Work Incentive Program budget;

C. Development of a state Work Incentive Program plan to be submitted to the Federal Government for approval;

D. Establishment of priorities and allocation of funds in accordance with this chapter;

E. Development of training for Work Incentive Program;

F. Processing of waivers pursuant to section 3776, subsection 6;

G. Establishment of an advisory council pursuant to section 3774;

H. Establishment of procedures for assessments of registrants pursuant to section 3776, subsection 3;

I. Development of training, education and placement opportunities pursuant to section 3775;

J. Provision of information to all appropriate Work Incentive Program staff about the availability of education and training opportunities within the State; and

K. Implementation of any other responsibilities and duties, in accordance with any pertinent federal and state law, any additions thereto, and any regulations promulgated under those laws.

§ 3774. Advisory council

1. Members. The advisory council established pursuant to section 3773, subsection 3, paragraph G shall include at least the following members:

- A. Two recipients of benefits under the Aid to Families with Dependent Children Program;
- B. One representative of employers within the State;
- C. One representative of organized labor;
- D. One member of the Maine Commission for Women; and
- E. One or more representatives of organizations or agencies which have experience in addressing the training, education and job needs of low-income women.

2. Purposes. The purpose of the advisory council shall be to advise the Commissioners of Human Services, Manpower Affairs and Educational and Cultural Services as they carry out the purposes of this chapter.

§ 3775. Training, education and placements

In order to help recipients obtain jobs which can eliminate their dependency on public assistance, the committee shall:

1. Services. Encourage the development and ensure coordination of training, education and pre-apprenticeship programs, supportive services and remedial and preparatory programs at the University of Maine, the vocational-technical institutes, the Apprenticeship and Training Council and other institutions and programs;

2. Placement. Encourage the University of Maine, the vocational-technical institutes and other institutions and programs to promote opportunities for educational placement for recipients who meet admission requirements.

3. Procedures. Establish procedures with the goal of ensuring that appropriate education and training support resources, grants-in-aid and scholarships are made available to eligible recipients.

§ 3776. Work Incentive Program

1. Authorization. The Department of Human Services is authorized to administer and operate, jointly with the Department of Manpower Affairs and in

consultation with the Department of Educational and Cultural Services, a Work Incentive Program, in accordance with federal law, any amendments and additions thereto, and any regulations promulgated under those laws.

2. **Purpose.** The purpose of the Work Incentive Program shall be to use available educational, vocational, supportive and employment services within the State, in order to help recipients find and keep employment and, to the extent possible, to eliminate their dependency on public assistance.

3. **Assessment.** The assessment for a registrant shall be as follows.

A. The assessment procedure for each registrant shall be accomplished through direct personal contact with representatives of the Department of Human Services and the Department of Manpower Affairs. Both departments shall be advised by the Department of Educational and Cultural Services of all available education and training opportunities, and shall make that information available to each registrant during the assessment process.

B. The registrant shall participate fully in the assessment process and shall have the option of requesting a joint appraisal interview or individual meeting with department representatives. If sequential interviews are selected, they shall normally occur within 5 working days, unless postponement is requested by the registrant.

C. If the registrant is dissatisfied with the employability plan established through the assessment process, he may appeal this determination through the Work Incentive Program adjudication system.

4. **Employability plan.** The Department of Manpower Affairs shall develop, in conjunction with the Department of Human Services and the Department of Educational and Cultural Services and the Work Incentive Program registrant, an employability plan that sets forth the individual's occupational goal, the manpower and supportive services necessary to reach that goal, and shall be designed to lead to employment and ultimately to self support. Final approval of the employability plan rests with the Department of Manpower Affairs.

5. **Supportive services.** The Department of Manpower Affairs and the Department of Human Services shall provide each Work Incentive Program participant with the supportive and manpower services necessary to participate successfully in any education, training and employment program in accordance with the participant's employability plan.

6. **Education and training opportunities waiver.** In the development of the employability plan, the Department of Manpower Affairs shall consider all available education and training opportunities, including, but not limited to, opportunities available through the use of funds other than those available under the Work Incentive Program. Consistent with federal law and regulation, a waiver of any federal time limitation on training shall be requested from the appropriate

federal authority when such a waiver is necessary to allow the registrant to complete the education or training program set forth in the employability plan. Work Incentive Program benefits shall continue to be provided to any person for whom such a waiver is granted for the duration of their participation in the training for which the waiver was granted.

§ 3777. Availability of funds

Nothing in this chapter shall be construed to mean that any department, agency, institution or program shall be required to obligate or expend funds beyond existing funds available to them for these purposes.

Sec. 17. 26 MRSA c. 11, first 2 lines, are repealed and the following enacted in their place:

CHAPTER 11

APPRENTICESHIP

SUBCHAPTER I

GENERAL PROVISIONS

Sec. 18. 26 MRSA c. 11, sub-c. II is enacted to read:

SUBCHAPTER II

APPRENTICESHIP PROGRAMS FOR

RECIPIENTS OF

AID TO FAMILIES WITH DEPENDENT CHILDREN

§ 1010. Establishment

There shall be established within the Bureau of Labor and under the jurisdiction of the State Apprenticeship and Training Council a program to develop apprenticeship agreements exclusively for the training and education of recipients of Aid to Families with Dependent Children. The purpose of this program is to provide these persons with the opportunity to be trained in a trade or skill which will eliminate their need for public assistance. Toward this end, the council shall assist the Department of Educational and Cultural Services in determining the content of pre-apprenticeship training program courses to enable Aid to Families with Dependent Children recipients to meet the qualifying standards of the apprenticeship programs developed.

Apprenticeship agreements developed under this subchapter shall be approved by the State Apprenticeship and Training Council and shall in all respects be subject to the same labor standards as all other contracts approved by that body.

These agreements shall be developed in addition to those developed and registered under subchapter I and shall be maintained exclusively for the purposes described in this section.

§ 1011. Affirmative action

1. Age. Any person whose age exceeds the maximum age for admission to a program registered under this subchapter, but who is otherwise eligible for the program, shall be admitted where that action assists in achieving the purposes of this subchapter.

2. Sex. Programs under this subchapter shall be subject to the same affirmative action as is required by law for all apprenticeships developed by the State Apprenticeship and Training Council.

§ 1012. Coordination

The State Apprenticeship and Training Council shall establish procedures for the coordination of programs developed under this subchapter with the Maine Aid to Families with Dependent Children Coordinating Committee established in Title 22, section 3773.

Sec. 19. Report to Legislature. The Maine Aid to Families with Dependent Children Coordinating Committee, established in Title 22, section 3773, shall review and evaluate the impact and effect of Title 22, chapter 1054, and report its findings and recommendations to the First Regular Session of the 112th Legislature.

Sec. 20. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1981-82	1982-83
MANPOWER AFFAIRS, DEPARTMENT OF		
Bureau of Labor		
Positions	(3)	(3)
Personal Services	\$31,415	\$41,887
All Other	14,685	19,580
Total	\$46,100	\$61,467

Effective September 18, 1981

CHAPTER 513
H. P. 1486 — L. D. 1613

AN ACT to Promote the Maine Potato Industry by Improving the Quality of
Packing and Marketing Maine Potatoes.