

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION
December 3, 1986 to June 30, 1987
Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
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Sec. 3. 27 MRSA §89, as enacted by PL 1971, c. 544, §84, is amended to read:

§89. Publication fund

1. Revolving fund. There is established within the Maine State Museum a revolving fund for the use of the museum to cover acquisition, printing and distribution costs for scientific, historical and educational literature and for services offered by the museum for which a charge is made.

2. Prices and rates. The director is authorized to fix the price prices and rates at which publications, services or related items may be sold and delivered. The museum shall receive without charge 15% of all such publications for complimentary distribution.

3. Certain materials. The director is authorized to purchase, establish the price and sell through the museum sales program pertinent handcraft, educational or publication materials procured from outside sources. Proceeds from such sales shall be utilized to restock materials for resale and to support the publications program as defined in subsection 1.

4. Income. Income from sale of publications shall be credited to the revolving fund, to be used as a continuing carrying account to carry out the purposes of subsection 1 or as excepted by the conditions of subsection 3.

Sec. 4. 27 MRSA §90-A is enacted to read:

§90-A. Reproductions of museum collections

1. Authorization. The Maine State Museum may enter into licensing or similar arrangements for reproductions of selected items from the museum collections.

2. Fees; royalties. Income received from those arrangements, including the sale of reproductions directly or indirectly through vendor arrangements, shall be credited to the General Fund.

Effective September 29, 1987.

CHAPTER 466

S.P. 417 — L.D. 1275

AN ACT to Enhance the Maine Job Training Partnership Program.

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

Sec. 1. 26 MRSA chapter 25, first 2 lines, are repealed and the following enacted in their place:

CHAPTER 25

JOB TRAINING PARTNERSHIP

SUBCHAPTER I

GENERAL PROVISIONS

Sec. 2. 26 MRSA §2004, first ¶, as enacted by PL 1983, c. 258, §1, is repealed and the following enacted in its place:

The joint standing committee of the Legislature having jurisdiction over economic development matters:

Sec. 3. 26 MRSA chapter 25, sub-c. II is enacted to read:

SUBCHAPTER II

JOB TRAINING PROGRAM

§2011. Funds

All funds under this subchapter shall be distributed among the State's 2 Job Training Partnership Act service delivery areas. Funds will be allocated to the State's 2 private industry councils serving all counties. The Department of Labor shall distribute these funds to the private industry councils, in the 2 service delivery areas, on a county-based formula determined by the Department of Labor.

§2012. Local plans

Each private industry council shall operate programs under this subchapter based on an annual plan. The annual plan shall reflect local needs, program strategies and activities, training and services, projected expenditures and anticipated outcomes.

1. Submission of plan to Governor. Each private industry council shall submit its annual plan to the Governor according to the requirements of section 1004, "Job Training Plan" and section 105, "Review and Approval of Plan" of the United States Job Training Partnership Act, Public Law 97-300, before funds may be provided to the private industry council under this subchapter.

A. The Commissioner of Labor shall adopt rules to implement the provisions of this subchapter in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

B. The commissioner shall provide for public notice and comment with respect to the plan to be submitted to the Governor. The public notice and comment procedures shall be consistent with those procedures established in the Maine Administrative Procedure Act, Title 5, chapter 375.

2. Publication of plan. Each private industry council shall publicize its annual plan by making it available to local education agencies, local economic development

agencies and other appropriate community-based and governmental organizations.

§2013. Program activities

Program activities under this subchapter are intended to benefit workers and employers and may include, but are not limited to, the following:

1. Retraining of displaced workers. Upgrading or retraining of individuals whose jobs are threatened by skill obsolescence or by imminent plant closures;

2. Training of workers ineligible for other programs. Training of unemployed workers whose household income makes them ineligible for other training services;

3. Provision of support services. Provision of support services that allow individuals with multiple barriers to employment to participate in training;

4. Provision of stipends. Provision of stipends that allow needy individuals to participate and to remain in skills training activities;

5. Assistance to school students. Provision of participant wages and services for programs targeting in-school youth for whom transition to work is imminent;

6. Training packages for economic development. Development of training packages for firms intending to expand or locate in the State;

7. General job creation activities. Development of marketing studies, labor force data surveys and specialized recruiting campaigns to encourage job creation, especially as part of local economic development efforts;

8. Reimbursement of training costs. Reimbursement of appropriate training costs for firms that have limited resources to perform necessary training of new workers or upgrading of employees with insufficient skills;

9. Dependent care and transportation services. No person eligible for services under Titles II and III of the United States Job Training Partnership Act, Public Law 97-300, and displaced homemakers, as defined in section 1601, may be denied access to or participation in these programs as a result of dependent care needs, transportation needs or other supportive services necessary; and

10. Other activities. Provision of other activities meeting the critical skill needs of workers and employment needs of firms that can take place within the mode of training services listed under this section.

§2014. Training and services

Each private industry council shall provide or subcontract for training activities and services, including those outlined in the United States Job Training Partnership

Act, Public Law 97-300, Sections 204 and 205. Stipends for needy individuals may be made based on a system of eligibility designed by the appropriate private industry council and applied uniformly within that council's jurisdiction. Stipends are intended to encourage participation in training programs of individuals for whom the need for income is immediate and pressing.

§2015. Participant eligibility

This subchapter is intended to serve individuals whose participation in the labor force might be dependent on, or significantly enhanced by, the training and services provided under this subchapter. The objective of the Act is to serve additional persons who are eligible for services under Titles II and III of the United States Job Training Partnership Act, Public Law 97-300, and displaced homemakers, as defined in section 1601. Innovative approaches will be authorized under this subsection. Traditionally noneligible persons may be served when their enrollment will result in additional training and employment opportunities for the traditionally eligible population. These individuals may include, but are not limited to:

1. Unemployed. Unemployed workers;

2. Low-income. Economically disadvantaged individuals;

3. Working poor. The working poor;

4. Displaced workers. Individuals who have suffered, or who are about to suffer, job dislocation due to economic or technological changes;

5. Employment difficulties. Individuals who are having difficulty in finding and keeping work;

6. Lack of advancement opportunities. Individuals whose skills or occupational setting prevent them from advancing to higher paying jobs;

7. Threat of job loss. Individuals whose economic self-sufficiency or job security is threatened by job skills related conditions;

8. Traditional barriers to employment. Individuals with traditional barriers to employment, including, but not limited to, the handicapped, women, Aid to Families with Dependent Children recipients, youth or older workers; and

9. Persons with job training needs and resources that exceed federal guidelines. Persons who require job training, but who have assets exceeding those allowed by federal guidelines, and who are willing to contribute toward costs of training pursuant to this subchapter.

§2016. Employer eligibility

This subchapter shall serve employers whose skilled

labor needs cannot be met solely through their own resources or by other conventional resources in the community; and employers whose investments in expansion or location in the State might depend on services available under this subchapter.

Such employers may include, but are not limited to:

1. Job openings. Employers with bona fide job openings;

2. Lack of resources. Employers who do not have appropriate resources to train new or existing employees;

3. Expanding industries. Employers with jobs in expanding industries or occupations where availability of skilled labor is problematical; or

4. Desirable occupations. Other employers with occupations that are durable or that have high transferability of skills.

§2017. Annual report

1. Legislative review. The joint standing committee of the Legislature having jurisdiction over economic development matters shall review and make recommendations to the Commissioner of Labor and the Governor with respect to the program defined in this subchapter. The committee:

A. Shall be notified of any hearing held pursuant to section 2012;

B. Shall be provided with copies of any draft plans and actual plans developed pursuant to this subchapter;

C. Shall be provided with any reports, research findings, evaluations and any other materials requested by the committee or any member of the committee to undertake its review; and

D. May make recommendations to the appropriate joint standing committee of the Legislature or any agency or organization concerned with the program established pursuant to this subchapter.

2. Content of report. At a minimum, these reports shall contain information relating to:

A. Expenditures, including payments made for dependent care, transportation costs and other support services made to enable individuals to participate in training activities;

B. Enrollments, including the number of individuals participating who are eligible for services under Titles II and III of the United States Job Training Partnership Act, Public Law 97-300, and Displaced Homemakers, as defined in section 1601;

C. The degree to which intended outcomes were achieved, including the average wage received by individuals placed in employment and, to the extent feasible, information on health insurance for participants entering employment; and

D. The number of persons who applied and were not enrolled, including the primary reasons that they were not enrolled.

Effective September 29, 1987.

CHAPTER 467

H.P. 728 — L.D. 980

AN ACT to Provide a Sales Tax Trade-in Credit for Loaders used to Harvest Lumber.

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

Sec. 1. 36 MRSA §1765, sub-§5, as enacted by PL 1985, c. 519, is amended to read:

5. Lumber harvesting vehicles or loaders. Self-propelled vehicles or loaders used to harvest lumber; or

Sec. 2. Effective date. This Act shall take effect on July 1, 1989.

Effective July 1, 1989.

CHAPTER 468

H.P. 61 — L.D. 64

AN ACT to Increase the Compensation of Mediators under the Municipal Public Employees Labor Relations Act.

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

Sec. 1. 5 MRSA §12004, sub-§3, ¶A, sub-¶(2), as amended by PL 1985, c. 785, Pt. B, §39, is further amended to read:

(2)	Panel of Mediators	\$75125/Day	26 MRSA §892
			26 MRSA §965,
			sub-§2, ¶C

Sec. 2. 26 MRSA §965, sub-§2, ¶C, as amended by PL 1975, c. 623, §37-E, is further amended to read:

C. A panel of mediators, to consist of not less than 5 nor more than 10 impartial members, shall be appointed by the Governor from time to time upon the expiration of the terms of the several members, for terms of 3 years. They shall be chosen by the Gover-