

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

and the

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

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

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Twin City Printery  
Lewiston, Maine  
1988

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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able to purchase those services. The commissioner shall adopt rules under the Maine Administrative Procedure Act, Title 5, chapter 375, to determine the requirements for these exceptions.

9. Employment and training review panel. Each private industry council established under the United States Job Training Partnership Act shall establish an employment and training review panel. Each private industry council shall appoint a chairman and membership to the panels which shall each consist of 9 members, including 3 representatives of business, 3 representatives of labor, one representative of economic development, one representative of community-based organizations and one representative of the general public. The panels shall:

A. Annually identify occupations that are stable or subject to growth in their areas and approve them for STAR program eligibility. Approved occupations must meet the performance standards under paragraph C. All occupations included in the department's most recent edition of the publication "Selected Occupational Information for Employment and Training Program Design" for the appropriate county or counties shall be approved occupations. In addition, occupations may be approved as follows:

- (1) The panel may approve occupations identified by the panel following an assessment of local economic factors; or
- (2) STAR participants may petition the panel to approve an occupation;

B. Review the curricula for classroom and customized vocational training in their areas for consistency with employers' needs;

C. Set performance standards in their areas, including placement of participants in jobs, wage levels at placement, retention of employment and career ladder options; and

D. Annually certify the demonstrated effectiveness of training agents in delivering training in their areas according to the performance standards established in this section. At the completion of training, these agents shall provide placement services to the STAR participants and shall report to the panel on placement status and the competency attained.

10. Appeal procedure. Appeals shall be as follows.

A. All determinations under this section shall be made promptly in writing. A claimant who is aggrieved by any decision or action made under this subchapter may appeal to the commissioner pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375. This does not apply to subsection 5, paragraph A.

B. A determination is final 15 days after it is mailed or hand delivered, unless the claimant files an appeal. The 15-day appeal period may be extended up to 15 additional days if the claimant can show good cause. The commissioner shall establish standards to determine good cause.

C. A decision of the hearing officer designated by the commissioner is final agency action under Title 5, section 11002, for purposes of judicial review.

11. Monitoring, evaluation and annual report. The program shall be monitored as follows.

A. The Bureau of Employment and Training Programs shall monitor and evaluate the STAR program each year.

B. The Bureau of Employment and Training Programs shall prepare a report for the joint standing committee of the Legislature having jurisdiction over labor by May 1st of each year. This report shall include, but not be limited to:

- (1) A description of the training programs and services provided during the previous program year;
- (2) The results of the training, including the numbers of employees entering nontraditional occupations; and
- (3) A discussion of the training programs and services available in the coming program year based on information supplied by the service delivery areas.

12. Recommendations. The joint standing committee of the Legislature having jurisdiction over labor shall review the report by the Bureau of Employment and Training Programs and recommend to the Legislature by May 1, 1989, whether to continue the STAR program and if so, whether to continue funding the STAR program from the General Fund or through a separate assessment on employers who are liable for contributions to the Unemployment Trust Fund.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 26, 1988.

## CHAPTER 776

H.P. 1866 — L.D. 2551

AN ACT to Make Supplemental Appropriations for Expenditures of the Judicial Department and to Change Certain Provisions of the Law Necessary to the Operation of the Judicial Department for the Fiscal Years Ending June 30, 1988, and June 30, 1989.

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, the Judicial Department has certain immediate needs, obligations and expenses; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1.** 4 MRSA §17, sub-§3, as enacted by PL 1975, c. 408, §5-A, is amended to read:

3. Investigate complaints. Investigate complaints with respect to the operation of the courts and relating to court and judicial security. Notwithstanding any other provision of law, such complaints and investigative files are confidential. Nothing in this section precludes dissemination of such information to another criminal justice agency;

**Sec. 2.** 4 MRSA §17, sub-§15, as enacted by PL 1987, c. 137, §3, is amended to read:

15. Provide for court security. Plan and implement arrangements for safe and secure court premises to ensure the orderly conduct of judicial proceedings. This includes the authority to contract for the services of qualified deputy sheriffs and other qualified individuals as needed on a per diem basis to perform court security-related functions and services. "Qualified deputy sheriffs and other qualified individuals" means those individuals who hold valid certification as law enforcement officers, as defined by the Maine Criminal Justice Academy, pursuant to Title 25, chapter 341, to include successful completion of such additional training in court security as provided by the academy or equivalent training. When under such contract and then only for the assignment specifically contracted for, the qualified deputy sheriffs or other qualified individuals shall have the same duties and powers throughout the counties of the State as sheriffs have in their respective counties. The persons performing such contractual services shall not be considered employees of the State for any purpose. They shall be paid a reasonable per diem fee plus reimbursement of their actual, necessary and reasonable expenses incurred in the performance of their duties, consistent with policies established by the State Court Administrator. Notwithstanding any other provision of law, such plans, arrangements and files involving court security matters are confidential. Nothing in this section precludes dissemination of such information to another criminal justice agency.

**Sec. 3. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89

JUDICIAL DEPARTMENT

Courts — Supreme, Superior, District and Administrative

Positions	(1)
Personal Services	\$ 31,307
All Other	3,000
Capital Expenditures	165,693

Total \$200,000

Provides authorization to employ an additional programmer analyst and funds to complete computerization of all 50 state court locations and establish communications linkage among courts and with the Division of Motor Vehicles and State Bureau of Identification files.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 26, 1988.

**CHAPTER 777**

S.P. 892 — L.D. 2304

**AN ACT to Respond to Health Care Occupation Shortages in Maine through the Health Occupations Training Project.**

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

**Sec. 1.** 22 MRSA §396-D, sub-§9, ¶F, as amended by PL 1987, c. 542, Pt. H, §2, is repealed and the following enacted in its place:

F. In determining payment-year financial requirements, the commission shall include an adjustment to reflect the actual costs of the hospital's participation in the Health Occupations Training Project, Title 26, chapter 31. These costs shall be limited to actual payments made to lenders under the program. The commission shall make an adjustment under this paragraph only to the extent the costs found to be reasonable are not otherwise included in financial requirements.

**Sec. 2.** 22 MRSA §1812-C, sub-§7 is enacted to read:

7. Health Occupations Training Project. The department shall adopt rules governing the reimbursement of the costs associated with the participation of nursing homes in the Health Occupations Training Project. The reimbursable costs shall include only actual payments to lenders made under the project.