

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

Nothing in this section shall may deprive any party of any remedy that may be had at law.

Sec. 2. Application. This Act shall apply only to actions filed on or after the effective date of this Act.

See title page for effective date.

CHAPTER 408

H.P. 999 - L.D. 1388

An Act to Improve Retraining Opportunities for Maine Workers

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

Sec. 1. 26 MRSA §2015-A, sub-§8, ¶A, as enacted by PL 1987, c. 775, §3, is amended to read:

A. A training voucher of up to \$3,000 for the following activities:

- (1) Tuition for education and training;
- (2) Training materials or books necessary for participation in the training;
- (3) Payment for dependent care costs, provided those costs do not exceed the prevailing regional rate for such care; and
- (4) Travel payments according to the policies established by the United States Job Training Partnership Act service providers; and
- (5) Payment of a living allowance in the same amount as the participant's prior unemployment compensation weekly benefit amount for a reasonable time period to allow the employee to complete the employability development plan, provided that the individual has exhausted all entitlement to unemployment compensation and is ineligible for extended benefits as a dislocated worker under section 1196;

Sec. 2. 26 MRSA §2015-A, sub-§8, ¶C, as enacted by PL 1987, c. 775, §3, is amended to read:

C. While a participant is collecting unemployment benefits or for the duration of the training program which does not exceed one year, an exception to the limitations set forth in paragraph A shall be granted for supportive services when additional funds for transportation, living allowance and dependent care are necessary for the participant to complete the training specified in the individual employment plan and the participant is unable to purchase these

services transportation, basic necessities or dependent care. The commissioner shall adopt rules under the Maine Administrative Procedure Act, Title 5, chapter 375, to determine the requirements for these exceptions.

Sec. 3. 26 MRSA c. 33 is enacted to read:

CHAPTER 33

JOB TRAINING SYSTEM

§2171. Maine Job Training System

This chapter applies to actions taken under the Maine Job Training System. For the purposes of this chapter, the "Maine Job Training System" means all state and federal education and training programs administered by the Department of Labor and operated by a network of private industry councils and their respective service delivery areas and service providers, including:

1. Job Training Partnership Act. The state program under the United States Job Training Partnership Act, Public Law 97-300, as amended by the Omnibus Trade and Competitiveness Act, Public Law 100-418;
2. Maine Training Initiative. The Maine Training Initiative program under sections 2013 and 2014;
3. ASPIRE. The Additional Support for People in Retraining and Education program under Title 22, chapter 1054-A;
4. STAR. The Strategic Training for Accelerated Reemployment program under section 2015-A; and
5. Health Occupations Training Project. The Health Occupations Training Project under chapter 31.

§2172. On-the-job training contracts; apprenticeships

1. Application. This section applies to all on-the-job training contracts entered into by any agency or organization, public or private, that provides a wage subsidy for a trainee with public funds, including all contracts written under the Maine Job Training System.

2. Standards for on-the-job training contracts. All on-the-job training contracts must meet the following requirements of this subsection.

A. The occupation for which the contract is written is one which traditionally requires specific occupational training as a prerequisite.

B. The firm or establishment with which the contract is made is not involved in a strike, lockout or other labor dispute.

C. The trainee working under the contract shall receive the same wages and benefits and be subject to the same working conditions as other employees

working an equivalent length of time and performing a substantially equivalent job at the work site.

D. Except when the employer has good cause related to the trainee's work performance, the employer shall, upon completion of the on-the-job training contract, offer the trainee continued employment with at least equivalent wages, benefits and working conditions, as existed under the contract.

E. The employer with whom the contract is made has not, in the past, violated paragraph D.

3. Nondisplacement; noninfringement; existing collective bargaining agreements. An on-the-job training contract may be executed only if:

A. No currently employed worker would be displaced by the trainee, including partial displacement such as reduction in the hours of work, wages or employment benefits;

B. The training position would not impair existing contracts for the services or collective bargaining agreements, except when the written concurrence of the labor organization concerned has been obtained;

C. No other individual is on layoff from the same or any substantially equivalent job for which the trainee would be trained;

D. The employer has not terminated the employment of any regular employee or otherwise reduced the work force of the employer with the intention of filling the vacancy so created by contracting to hire the trainee; and

E. The job for which the individual would be trained is not being created in a promotional line that will infringe in any way on the promotional opportunities of currently employed individuals.

4. Apprenticeable occupations. With respect to each placement under the Maine Job Training System, the Department of Labor shall:

A. Determine whether the occupation is apprenticeable in accordance with a list of apprenticeable occupations provided by the State Apprenticeship and Training Council;

B. If the occupation is determined to be apprenticeable, contact the State Apprenticeship and Training Council for assistance in establishing an apprenticeship position that would follow Maine Job Training System placement;

C. Ensure that the State Apprenticeship and Training Council provides a semiannual and annual list to the Commissioner of Labor on both the number of Maine Job Training System referrals received and the number of apprenticeship positions that were

established from the Maine Job Training System referrals; and

D. If an apprenticeship program is developed under this subsection, provide the trainee information on various education and training opportunities that may be of assistance for indenturing in the apprenticeship program.

§2173. Labor education

Each person enrolled in a program under the Maine Job Training System shall be provided an informational pamphlet on labor law which explains the person's rights and responsibilities and lists the appropriate agency to contact for additional information. The informational pamphlet shall be developed and disseminated to all Maine Job Training System service providers by January 1, 1990.

1. Content of pamphlet. The pamphlet shall cover such laws as:

A. The National Labor Relations Act, Public Law 1935, No. 198, 49 Stat 449;

B. The Occupational Safety and Health Act of 1970, Public Law 91-596;

C. The Fair Labor Standards Act, Public Law 1938, No. 7118, 52 Stat 1060;

D. The Workers' Compensation Act;

E. Unemployment insurance laws; and

F. State and federal laws relating to employment discrimination, including sexual harassment.

2. Review with providers. To enhance the trainees' knowledge of labor law, the Maine Job Training System service providers shall, when offering prevocational services to program participants, review the content of the informational pamphlet with the program participants, unless the participants have already received this review.

3. Staff training. The direct service staff of the Maine Job Training System service providers shall receive training to expand their knowledge of the labor laws contained in the informational pamphlet.

See title page for effective date.

CHAPTER 409

H.P. 716 - L.D. 977

An Act to Establish Disability Retirement Benefits for Members of the Maine State Retirement System