

# 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

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.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
1989

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oped under paragraph C is approved by the commissioner, School Administrative District No. 33 shall have the authority to undertake school construction projects for vocational education in accordance with the provisions of chapter 609 and to borrow money and issue bonds and notes of the district for school construction projects in accordance with section 1311 and sections 1351 to 1354.

F. Section 8301, subsection 5 and sections 8452 to 8467 shall not apply to the vocational region established for northern Aroostook County under this section.

**Sec. 5. Reallocation of state subsidy.** If the school boards of School Administrative District No. 27, School Administrative District No. 33 and Madawaska enter into a cooperative agreement pursuant to section 8401 and if a new vocational center becomes operative in School Administrative District No. 33, the Department of Educational and Cultural Services shall reallocate the state subsidy for vocational education to ensure that the subsidy goes to the unit actually providing vocational programs in that year rather than to the units which provided vocational programs during the 2 preceding base years. If the vocational center in School Administrative District No. 33 becomes operational in the middle of a fiscal year, the State Board of Education shall prorate the subsidy for vocational education paid in that fiscal year in proportion to the costs incurred by each unit for providing vocational education in that year.

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

Effective July 7, 1989.

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## CHAPTER 541

S.P. 606 - L.D. 1700

### An Act to Continue the Strategic Training for Accelerated Reemployment Program

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

**Whereas,** unemployed and dislocated workers are eligible for the Strategic Training for Accelerated Reemployment (STAR) program and are in need of its services; and

**Whereas,** STAR participants currently being served need to have these services continued; 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. 26 MRSA §2015-A, sub-§2,** as amended by PL 1989, c. 2, is further amended to read:

**2. Program goals.** The purpose of this section is to establish an employment training program to provide unemployed or displaced workers with skills training and support which lead to jobs in stable and expanding industries with, whenever possible, wages equal to or greater than the workers' customary prior employment, as well as support services so that individuals are able to take advantage of educational and training opportunities. A further purpose of the STAR program is to provide employers with trained workers by ensuring that the training provided is consistent with the needs of employers. Unemployed or displaced railroad and railway workers who are residents of the State ~~shall be~~ are eligible to participate in the program if they otherwise meet program eligibility requirements.

**Sec. 2. 26 MRSA §2015-A, sub-§4, ¶¶A and C,** as enacted by PL 1987, c. 775, §3, are amended to read:

A. During the first year of the STAR program, up to 14% of the funds may be used for grant administration. In the 2nd and subsequent years of the STAR program, up to ~~40%~~ 12% of the funds may be used for grant administration.

C. Each county shall receive an annual allocation, 50% of which shall be based on the number of individuals unemployed during the calendar year preceding the program year and 50% of which shall be based on the unemployment rate during the calendar year preceding the program year. These allocations may be shifted among counties within a service delivery area depending on the demand for STAR services and the availability of unexpended funds.

**Sec. 3. 26 MRSA §2015-A, sub-§5, ¶A,** as amended by PL 1987, c. 861, §22, is repealed and the following enacted in its place:

A. Be an unemployed resident of Maine receiving unemployment compensation benefits administered by the Bureau of Employment Security or the federal Railroad Retirement Board and have registered for the STAR program before the end of the 8th week of collecting unemployment compensation benefits.

(1) The "end of the 8th week of collecting unemployment compensation benefits" means either:

(a) The last day of the 8th week after the most recent total separation for which the claimant was issued a benefit check, offset credit or waiting period credit under any state or federal unemployment program administered by the Department of Labor; or

(b) The last day of the 8th week after an appellate decision awarding benefits to the individual becomes final.

(2) An individual may register after the end of the 8th week of collecting unemployment compensation benefits if that individual reasonably expected to return to that person's prior employment or occupation or for other good cause as determined by rules adopted by the commissioner under the Maine Administrative Procedure Act, Title 5, chapter 375.

(3) Nothing in this paragraph prevents an individual from registering for the STAR program before the end of the 8th week of collecting unemployment compensation benefits; or

**Sec. 4. 26 MRSA §2015-A, sub-§5, 1B**, as enacted by PL 1987, c. 775, §3, is amended to read:

B. Have received notice of pending job displacement due to either a reduction in overall employment within a business or a substantial change, due to technological or other reasons, in the skills required of an ongoing job; ~~or~~ .

**Sec. 5. 26 MRSA §2015-A, sub-§5, 1C**, as enacted by PL 1987, c. 775, §3, is repealed.

**Sec. 6. 26 MRSA §2015-A, sub-§6, 1A**, as enacted by PL 1987, c. 775, §3, is repealed and the following enacted in its place:

A. Claimants shall receive written notice of the STAR program when they apply for unemployment compensation benefits administered by the Bureau of Employment Security.

(1) The notice shall explain:

(a) The program's eligibility requirements;

(b) The importance of entering training early in a claimant's term of unemployment;

(c) The availability of unemployment compensation benefits to claimants in approved training; and

(d) The availability of extended benefits for dislocated workers in approved training for up to 26 weeks.

(2) The notice shall be written in language that is clear and understandable and must have a readability score, as determined by a recognized instrument for measuring adult literacy reading levels, equivalent to no higher

than a 6th grade level. A claimant's inability to understand the written notice due to illiteracy or other factors constitutes good cause under subsection 5, paragraph A, for purposes of determining eligibility for the STAR program.

(3) Interested individuals shall be referred to the Maine Job Service for a determination of eligibility and referral to testing and counseling centers.

**Sec. 7. 26 MRSA §2015-A, sub-§6, 11A-1 and A-2** are enacted to read:

A-1. Paragraph A does not apply to individuals who are receiving unemployment benefits administered by the federal Railroad Retirement Board, under the Railroad Unemployment Insurance Act, Public Law 1938, No. 722, United States Code, Title 45, Section 351, et seq., as amended. The Department of Labor shall provide notice of the STAR program to the federal Railroad Retirement Board.

A-2. An individual who is determined to be eligible for the STAR program must apply at the federal Job Training Partnership Act local service provider for an employability development plan within 30 days after the eligibility determination is made.

(1) An individual must be collecting unemployment benefits or have received a notice of pending displacement under subsection 5, paragraph B, in order to apply for an employability development plan under the STAR program.

(2) If no STAR funds are available when an individual applies for an employability development plan, written notice shall be provided to that individual when money again becomes available. At that time, the individual, if still eligible to collect unemployment insurance benefits, including any dislocated worker benefits, may again apply for an employability development plan within 15 days after the written notice is sent.

**Sec. 8. 26 MRSA §2015-A, sub-§6, 11C and D**, as enacted by PL 1987, c. 775, §3, are amended to read:

C. At the end of the assessment process, an ~~individual~~ employment employability development plan shall be developed for each participant based on the results of the assessment, the participant's occupational preference and the occupational opportunities available as determined under subsection 9, including opportunities in nontraditional occupations. Participants may choose among training opportunities provided under subsection 7, provided that that choice is appropriate for the occupation identified in their employability development plan. The plan shall identify the occupation selected and what additional

training and education is necessary. If the occupation is one for which an apprenticeship program may be available, the State Apprenticeship and Training Council shall be notified, and shall determine what additional training or education may be necessary for indenturing in an apprentice program.

D. A STAR participant, who has been assessed and has received an ~~individual employment~~ employability development plan, may be provided ~~with a training voucher of up to \$3,000 under subsection 8.~~ This voucher will enable STAR participants the participant to enter into training for occupations approved under subsection 9, paragraph A, to be conducted by approved training agents certified pursuant to under subsection 9, paragraph D. The STAR voucher is valid for 12 weeks for STAR participants to enter training initially Training shall be provided according to the time periods, terms and conditions set forth and agreed upon in the employability development plan, unless an extension for cause is approved by the United States Job Training Partnership Act local service providers. A STAR participant who signs an employability development plan under this paragraph does not waive the participant's rights to appeal under subsection 10.

**Sec. 9. 26 MRSA §2015-A, sub-§7, ¶D,** as enacted by PL 1987, c. 775, §3, is amended to read:

D. Employment competency training in preemployment skills. This component consists of structured activities designed to assess basic employment competency and to provide remedial training in such areas as job-seeking skills, interviewing and resume writing. ~~Employment competency training may only be used if it leads to vocational skills training;~~

**Sec. 10. 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~~ 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;

**Sec. 11. 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 and dependent care are necessary for the participant to complete the training specified in the ~~individual employment~~ employability development plan and the participant is unable 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.

**Sec. 12. 26 MRSA §2015-A, sub-§9, ¶B and D,** as enacted by PL 1987, c. 775, §3, are amended to read:

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

D. ~~Annually certify the demonstrated effectiveness~~ Ensure use of training agents who have demonstrated effectiveness 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.~~

**Sec. 13. 26 MRSA §2015-A, sub-§10,** as amended by PL 1987, c. 861, §23, is repealed and the following enacted in its place:

**10. Grievance procedure.** All determinations under this section shall be made promptly in writing. A claimant who is aggrieved by any decision or action made under this section may appeal as provided in this subsection.

A. Each person who requests or receives training or supportive services under this section shall be given written notice describing the right and procedure of appeal provided by this section. This notice shall:

- (1) Be uniform throughout the State;
- (2) Be written in language that is clear and understandable and must have a readability score, as determined by a recognized instrument for measuring adult literacy reading levels, equivalent to no higher than a 6th grade level; and
- (3) Include a statement that:
  - (a) Any decision regarding the type of training or the type, amount or duration of support services offered may be appealed;
  - (b) Hearings provided under paragraph C will be conducted by an impartial hearing officer whose decision may be appealed to court; and

(c) The person may be eligible to receive free legal assistance in pursuing an appeal. This statement shall also provide a list of organizations that provide legal assistance to persons of low income.

B. Any person who requests or receives training or supportive services under this section may obtain a review of any decision made by the job training agency related to those services. When an individual requests a review, the agency shall promptly investigate and attempt to resolve the complaint informally. If the problem is not resolved to the complainant's satisfaction through this informal process, a hearing to review the agency's decision shall be scheduled before an impartial hearing officer as provided in paragraph C.

C. Hearings provided under this subsection shall be held pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375.

**Sec. 14. 26 MRSA §2015-A, sub-§12**, as enacted by PL 1987, c. 775, §3, is repealed.

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

Effective July 7, 1989.

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## CHAPTER 542

### H.P. 189 - L.D. 254

#### An Act to Amend the Revised Maine Securities Act and Related Statutes

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

**Sec. 1. 9-B MRSA §212-A**, as amended by PL 1985, c. 785, Pt. B, §54, is repealed and the following enacted in its place:

##### §212-A. Securities Division

There is created a Securities Division, which constitutes a division within the Bureau of Banking and which has responsibility for the administration and enforcement of the Revised Maine Securities Act, the Maine Commodity Code and the law regulating the sale of business opportunities. The activities of the division shall be directed by the Securities Administrator, who shall be appointed by the superintendent, subject to the Civil Service Law. The division shall have such staff as the Legislature authorizes and all salaries and expenses of the division shall be paid out of such amounts as the Legislature appropriates.

**Sec. 2. 32 MRSA §4695, sub-§1, ¶B**, as amended by PL 1985, c. 597, §2, is further amended to read:

~~B. The Superintendent of Banking or any person designated by the superintendent Securities Administrator certifies to the surety company issuing the bond or the licensed bank or savings institute holding the escrow account that it has no knowledge of any outstanding judgment, claims or notices of claims against the seller in this State.~~

**Sec. 3. 32 MRSA §4696**, as amended by PL 1985, c. 597, §3, is further amended to read:

##### **§4696. Registration**

~~Every seller shall register with the Superintendent of Banking or any person designated by the superintendent Securities Administrator prior to selling, offering to sell, advertising or undertaking any other act relating to the promotion of business opportunities in this State. Registration shall be complete upon paying a \$25 fee, filing a copy of the disclosure statement required by section 4692, and providing evidence of a bond or escrow account satisfying the requirements of section 4695. The seller shall update the disclosure statement as material information changes.~~

**Sec. 4. 32 MRSA §4700, sub-§§4 and 5**, as enacted by PL 1985, c. 597, §4, are amended to read:

**4. Administrative orders; rules; forms.** ~~The superintendent Securities Administrator~~ may make, amend and rescind rules, forms and orders as are necessary to carry out the provisions of this chapter, including rules and forms governing disclosure documents, applications and reports and defining any terms, whether or not used in this chapter insofar as the definitions are not inconsistent with this chapter. For the purpose of rules and forms, the ~~superintendent Securities Administrator~~ may classify business opportunities, persons and matters within his jurisdiction and prescribe different requirements for different classes.

**5. Cease and desist orders.** Whenever it appears to the ~~superintendent Securities Administrator~~ that any person has engaged in or is about to engage in any act or practice constituting a violation of this chapter or any rule or order under this chapter, the ~~superintendent Securities Administrator~~ may issue an order directing the person to cease and desist from continuing the act or practice. Any person named in a cease and desist order issued by the ~~superintendent Securities Administrator~~ may, within 30 days after receipt of the order, file a written request for a hearing with the ~~superintendent Securities Administrator~~. If the ~~superintendent Securities Administrator~~ does not receive a written request for a hearing within the time specified, the cease and desist order will become permanent and the person named in the order will be deemed to have waived all rights to a hearing.

**Sec. 5. 32 MRSA §4700-A**, as amended by PL 1985, c. 597, §5, is further amended to read:

##### **§4700-A. Service of process**

~~The Superintendent of Banking or any person designated by the superintendent Securities Administrator shall be an agent of each seller who sells, offers for sale, advertises~~