

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

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March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

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NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

CHAPTER 484

S.P. 453 - L.D. 1427

An Act to Create Quality Employment and Business Ownership Opportunities for Social Assistance Recipients

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

Whereas, the passage of the new federal welfare legislation limits individuals to a lifetime benefit of 60 months; and

Whereas, individuals receiving welfare need training and connections with the job market to obtain and remain in quality jobs that will sustain themselves and their families; and

Whereas, creating a mechanism that assists individuals to leave welfare not only benefits the State but also raises the self-esteem of the citizens leaving the welfare roles; 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. 22 MRSA c. 1685 is enacted to read:

CHAPTER 1685**QUALITY EMPLOYMENT AND BUSINESS OWNERSHIP OPPORTUNITIES PROGRAM****§8801. Definitions**

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

1. Commissioners. "Commissioners" mean the Commissioner of Human Services and the Commissioner of Economic and Community Development.

2. Departments. "Departments" mean the Department of Human Services and the Department of Economic and Community Development.

3. Eligible organization. "Eligible organization" means any organization that meets the eligibility requirements of section 8803.

4. Program. "Program" means the Quality Employment and Business Ownership Opportunities program established under section 8802.

§8802. Quality Employment and Business Ownership Opportunities program

The Quality Employment and Business Ownership Opportunities program is established to provide job development and business ownership opportunities for individuals receiving temporary assistance to needy families under this Title. The program is created under the jurisdiction and control of the department in conjunction with the Department of Labor and the Department of Economic and Community Development. The program is established as a demonstration project.

1. Program design. The program is established as a grant program. Participation by eligible organizations must be determined on a competitive basis and is dependent on the availability of funds. The program through the initiatives of the grantees may establish an additional 15,000 jobs over the length of the project, an estimated 5,000 jobs per year. The principal goal is to focus on helping people obtain and retain employment income that sustains themselves and their families.

2. Administration. The departments shall jointly administer the program.

3. Funding. Funds must be appropriated jointly to the departments by the Legislature to be granted to eligible organizations.

4. Award of grants. The departments shall establish standards for the implementation of the program and the award of grants. Standards must include but are not limited to the provisions of section 8803.

§8803. Eligibility for grants

Any organization may apply to the departments for grants under the program based on the following eligibility requirements.

Applicants must demonstrate high standards of effectiveness in 5 areas:

1. Administration. Administration including strong interpersonal and management skills;

2. Client development. Individual client development, including professional reliance on developing resources from the individual client to identify or shape program activities;

3. Workforce development. Workforce development, including initiatives that prepare individuals for the workplace or for business ownership, connect

with employers and emphasize the connection between learning and work;

4. Partnership development. Partnership development, including coordination of services with other entities involved in providing employment and training for individuals receiving social assistance to ensure long-term employment opportunities; and

5. Organization accountability. Evidence of success, including evaluation components utilizing credible data or other measures that reflect the soundness of the program goals and the ability to achieve desired outcomes.

§8804. Application procedure

An applicant shall complete and return to the departments a program application, including supporting schedules developed by the departments. No application may be approved unless the commissioners determine the application is complete and the grantee is eligible.

§8805. Program requirements

The departments shall develop a program implementation plan that includes the services to be provided by the grantees. Services pertaining to business ownership opportunities may be included but are not required. Those services must include but are not limited to the following.

1. Case management services. The grantee shall work with case managers and employment training organizations to refer and place individuals participating in the grantee's programs in job openings.

2. Small business training assessments. The grantee shall conduct employment training assessments with small businesses involved in the grantee's programs to ensure appropriate client match with a job, considering geography, skill and timing.

3. Employment training agreements. The grantee shall develop employment training agreements that target new jobs created for individuals receiving social assistance.

4. Job tracking information. The grantee shall transfer job opening and job placement information to the job bank established pursuant to section 8809 to track job referrals and placements.

5. Coordination of services. The grantee shall oversee the link between resources available for the client and the needs of the business including child care, transportation costs, training programs or a combination. The grantee shall involve other economic development organizations in the process of

overseeing links between client and business needs to expand the job base.

6. Monitoring of job placements. The grantee shall monitor job placements to ensure the client and the business are given the best chance to succeed.

7. Geographic distribution. The grantee shall provide equitable access to services for clients living in diverse areas of the State. Access to these services may be reasonably limited by the grantee due to factors such as availability of staff and funding.

§8806. Availability of funds

This chapter may not be construed to mean that any department, agency, institution or program is required to obligate or expend funds beyond existing funds available to them for these purposes.

§8807. Monitoring of grantees

The departments shall review each grantee at least annually to ensure compliance with section 8805 and to ensure that quality services are provided by the grantee. The departments shall adopt rules in accordance with the Maine Administrative Procedure Act by which satisfactory performance is measured. The rules must identify the circumstances under which sanctions, including grant suspension, reduction or termination, are applied. These rules are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

§8808. Job bank

The departments shall establish a job bank that is continually updated and matched with appropriate positions available within participating businesses. The job bank serves as a central clearing house on job-related information for the departments and the grantees.

§8809. Rules

The departments shall adopt rules in accordance with the Maine Administrative Procedure Act for the implementation of this chapter. These rules are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

§8810. Report to Legislature

The departments and participating grantees shall submit a progress report on the implementation of the program to the joint standing committees having jurisdiction over health and human services and business and economic development matters by March 15, 1998. A final report must be provided to both joint standing committees including recommendations for continuation of the program and necessary implementing legislation by January 15, 2000.

§8811. Effective date

This chapter is repealed July 15, 2000 unless authorized for continuation by the Legislature.

Sec. 2. Allocation. The following funds are allocated from the Federal Block Grant fund to carry out the purposes of this Act.

	1997-98	1998-99
HUMAN SERVICES, DEPARTMENT OF		
Additional Support for Persons in Retraining and Employment		
All Other	\$300,000	\$300,000
Allocates funds through a transfer from the Departmentwide program to provide grants under the Quality Employment and Business Opportunities program.		
Departmentwide		
All Other	(\$300,000)	(\$300,000)
Deallocates funds through a transfer to the Additional Support for Persons in Retraining and Employment program to provide grants under the Quality Employment and Business Opportunities program.		
DEPARTMENT OF HUMAN SERVICES TOTAL	-\$0-	-\$0-

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

Effective June 11, 1997.

CHAPTER 485

H.P. 1065 - L.D. 1503

**An Act to Amend the Site Location of
Development Laws**

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

Sec. 1. 38 MRSA §488, sub-§19, as enacted by PL 1995, c. 704, Pt. A, §20 and affected by Pt. C. §2, is amended to read:

19. Municipal capacity. A structure, as defined in section 482, subsection 6, that is from 3 acres up to and including 7 acres or a subdivision, as defined in section 482, subsection 5, that is made up of 15 or more lots for single-family, detached, residential housing, common areas or open space with an aggregate area of from 30 acres up to and including 100 acres is exempt from review under this article if located wholly within a municipality or municipalities having delegated review pursuant to section 489-A or meeting the criteria in paragraphs A to E D as determined by the department. The planning board of the municipality in which the development is located or an adjacent municipality may petition the commissioner to review such a structure or subdivision if it has regional environmental impacts. This petition must be filed within 20 days of the receipt of the application by the municipality. State jurisdiction must be exerted, if at all, within 30 days of receipt of the completed project application by the commissioner from the municipality or within 30 days of receipt of any modification to that application from the municipality. Review by the department is limited to the identified regional environmental impacts. The criteria are as follows:

A. A municipal planning board or reviewing authority is established and the municipality has adequate resources to administer and enforce the provisions of its ordinances. In determining whether this criterion is met, the commissioner may consider any specific and adequate technical assistance that is provided by a regional council;

B. The municipality has adopted a site plan review ordinance. In determining the adequacy of the ordinance, the commissioner may consider model site plan review ordinances commonly used by municipalities in this State that address the issues reviewed under applicable provisions of this article prior to July 1, 1997; ~~and~~

C. The municipality has adopted subdivision regulations. In determining the adequacy of these regulations, the commissioner may consider model subdivision regulations commonly used by municipalities in this State; ~~and~~

D. The State Planning Office has determined that the municipality has a comprehensive land use plan and land use ordinances or zoning ordinances that are consistent with Title 30-A, chapter 187 in providing for the protection of wildlife habitat, fisheries, unusual natural areas and archaeological and historic sites.