

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

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

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

FIRST SPECIAL SESSION
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

protect and preserve the transportation system, the public safety and welfare and the investments of its residents. The Legislature declares, on the basis of these findings, that it is necessary to regulate and to license motor vehicle manufacturers and distributors and their branches and representatives, motor vehicle dealers and any other person engaged in the business of selling or purchasing vehicles in the State in order to prevent frauds, impositions and other abuses against residents and to protect and preserve the economy, the investments of residents, the public safety and the transportation system of the State.

Sec. 28. 10 MRSA §1182-A is enacted to read:

§1182-A. Exemption for installation on previously assembled truck chassis

This chapter does not apply to a person, partnership, firm, association, corporation or trust, resident or nonresident, that manufactures, assembles, distributes, sells, leases, solicits or advertises the sale or lease of a motor vehicle that consists of the installation on a previously assembled truck chassis in excess of 25,000 pounds gross vehicle weight rating, as defined by Title 29-A, section 2351, subsection 3, special bodies or equipment that, when installed, form an integral part of the motor vehicle and constitute a major manufacturing alteration. This exemption applies only to entities that do not franchise in the State.

Sec. 29. 10 MRSA §1183, as enacted by PL 1975, c. 573, is amended by adding at the end a new paragraph to read:

Notwithstanding any provision in a franchise agreement, if a dispute covered by this chapter or any other law is submitted to mediation or arbitration, the time for the dealer to file a complaint, action, petition or protest is tolled until the mediation or arbitration proceeding is completed.

Sec. 30. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1998-99

**SECRETARY OF STATE,
DEPARTMENT OF THE**

**Administration - Motor
Vehicles**

Positions - Legislative Count	(1.0)
Personal Services	\$38,113
All Other	8,231

Provides funds for a confidential, unclassified Research and Planning Associate II position to provide assistance in regulating motor vehicle manufacturers, brokers and dealers.

**DEPARTMENT OF THE
SECRETARY
OF STATE**

TOTAL \$46,344

See title page for effective date.

CHAPTER 522

S.P. 455 - L.D. 1429

**An Act to Amend the Maine
Apprenticeship Program**

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

Sec. 1. 20-A MRSA §12706, sub-§17, as enacted by PL 1985, c. 695, §11, is repealed.

Sec. 2. 26 MRSA §1001, as amended by PL 1989, c. 483, Pt. A, §43, is further amended to read:

§1001. Definitions

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

1. Apprentice. "Apprentice" ~~shall mean~~ means a person at least 16 years of age, employed under a written agreement to work at and learn a specific ~~trade~~ occupation and is registered with the State Apprenticeship and Training Council.

2. Apprentice agreement. "Apprentice agreement" ~~shall mean~~ means a written agreement entered into by an apprentice or organization of employees with an employer or with an association of employers or organizations of employees, which agreement provides for the apprentice's participation in a definite sequence of job training, and for such related and supplemental instruction as may be ~~deemed~~ determined necessary to qualify as a journeyman in the particular ~~trade~~ occupation affected.

3. Council. "Council" ~~shall mean~~ means the State Apprenticeship and Training Council.

4. Journeyman upgrading. "Journeyman upgrading" means continued related instruction ~~advo-~~

cated for by a sponsor including joint apprenticeship and training committees or employers for an individual who has fulfilled a bona fide apprenticeship as determined by the council. Enrollment criteria must be established by the council.

5. Sponsor. "Sponsor" means an employer or a potential employer.

Sec. 3. 26 MRSA §1002, as amended by PL 1993, c. 630, Pt. B, §§7-10, is further amended to read:

§1002. State Apprenticeship and Training Council

The State Apprenticeship and Training Council, as established by Title 5, section 12004-G, subsection 25, is composed of 12 members appointed by the Governor and made up as follows: four members must be representatives of employees and be bona fide members of a recognized major labor organization; 4 members must be representatives of employers and be bona fide employers or authorized representatives of bona fide employers; ~~2~~ 4 members must be representatives of the public, selected from neither industrial employers nor employees, nor may they be directly concerned with any particular industrial employer or employee; ~~and. At least 2 members who are representatives of the public must~~ represent the interests of women, minorities and aid to families with dependent children recipients in registered apprenticeship. ~~The appointments must be made so that the term of one member of each group expires each year. Each member holds office until a successor is appointed and qualified, and any vacancy must be filled by appointment for the unexpired portion of the term. The chair and secretary of the council must be named by the members of the council and the chair must be a member of the council. The Director of the Division of Applied Technology Administration within the Department of Education, the Director of Workforce Development, the Commissioner of Labor or a designee, the Commissioner of Economic and Community Development or a designee, the Commissioner of Education or a designee, the Chair of the Maine Jobs Council or a member designee and the Director of Apprenticeship Training for President of the Maine Technical College System or a designee are nonvoting ex officio members of the council. The members of the council are entitled to receive compensation according to the provisions of Title 5, chapter 379.~~

~~The budget request of the council must be incorporated in the overall budget of the Department of Labor and the Commissioner of Labor is responsible for the disbursement of these funds according to council policy. The commissioner is responsible for the selection and supervision of all personnel who may be employed by the council.~~

The council shall:

1. Establish standards. Establish standards, through joint action of employers and employees, and assist in the development of registered apprenticeship programs in conformity with this chapter and generally encourage and promote the establishment of registered apprenticeship programs;

2. Registration. Register or terminate or cancel the registration of apprenticeship programs and apprenticeship agreements including journeyman upgrading;

3. Certificates of completion. Issue such certificates of completion of apprenticeship as ~~shall be~~ authorized by the council to apprentices who have been certified by a joint apprenticeship committee or employer as satisfactorily completing their training;

4. Records. Keep a record of registered apprenticeship programs and apprentice agreements, including the number of women and minority in registered apprenticeships apprentices by trade occupation and the number of women apprentices in occupations that are nontraditional for women;

~~**5. Cooperate with others.** Cooperate with the Department of Education, the Board of Trustees of the Maine Technical College System and the local school authorities in the organization and establishment of classes of related and supplemental instruction for apprentices employed under approved agreements;~~

6. Rules. Issue such rules, ~~pursuant to Title 5, chapter 372, subchapter II,~~ as may be necessary to carry out the intent and purpose of this chapter; Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A;

~~**7. Reports.** Make a report to the Governor of its activities and the results of those activities, including those activities specifically undertaken to increase the participation of women and recipients of aid to families with dependent children. This report must be incorporated in the biennial report of the Commissioner of Labor;~~

7-A. Reports. Make an annual report by March 1st of each year to the Governor, the joint standing committee of the Legislature having jurisdiction over labor matters, the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over business and economic development matters. The report must include, for each business assisted under this chapter, the name and location of each business, the number of apprentices, the return on investment and, when applicable, the number of new jobs created;

~~**8. Prison industries programs.** Cooperate and consult with the Department of Corrections to develop policies concerning the issues of job safety for prisoners involved in prison industries programs, work release programs and job displacement created by such programs and to develop opportunities for jobs in the prison industries programs consistent with Title 34-A, section 1403, subsection 9; and~~

~~**9. Commitment to apprenticeships for women and recipients of aid to families with dependent children.** Cooperate, consult and coordinate with the Maine Aid to Families with Dependent Children Advisory Council, established by Title 22, section 3774, and other relevant groups to identify the obstacles which may prevent the greater participation of women and of aid to families with dependent children recipients in registered apprenticeships, and the necessary measures to be taken to overcome them.~~

10. Related and supplemental instruction. Ensure availability of related and supplemental instruction for apprentices. Oversight of coordination of instruction with job experiences is the responsibility of the council; and

11. Planning and evaluation. Develop a biennial plan in consultation with the Maine Jobs Council and the Department of Labor and develop an evaluation tool and process that facilitates a review of the apprenticeship program outcomes based on the council's biennial goals and objectives. As a result of this process, the council may initiate programs that promote apprenticeship and work force development.

Meetings of the council ~~shall be~~ are held quarterly and as often as is necessary in the opinion of the majority of the council. The chair shall designate the time and place of the meetings and the ~~secretary~~ staff shall notify all council members at least one week in advance of each meeting. A majority of the membership of the council ~~shall constitute~~ constitutes a quorum, ~~provided that as long as~~ each group has at least one representative present.

Sec. 4. 26 MRSA §1003 is repealed.

Sec. 5. 26 MRSA §1004, as amended by PL 1989, c. 483, Pt. A, §45, is further amended to read:

§1004. Apprenticeship agreement standards

Standards for apprenticeship agreements ~~shall~~ must contain the following:

1. Occupation taught. A statement of the ~~trade or craft~~ occupation to be taught and the required hours for completion of apprenticeship;

2. Processes. A statement of the major work processes in the ~~trade or craft in which the apprentice~~

is occupation to be taught and the approximate amount of time to be spent at each process;

3. Hours. A statement of educational subjects to be studied and mastered including on-the-job-training work experience. ~~Where formal classroom instruction can be established by the Board of Trustees of the Maine Vocational Technical Institute System a statement that such classes shall operate at least 144 hours per year~~ An agreement must state the number of hours required to complete an apprenticeship and indicate the approximate number of hours spent in each process and each training component;

4. Age. A statement that the apprentices ~~shall be~~ may not be less than 16 years of age;

5. Wages. A statement of the progressively increasing scale of wages to be paid the apprentice;

6. Probation. Provision for a period of probation during which the ~~Apprenticeship and Training Council shall be~~ council is directed to terminate the apprenticeship agreement at the request in writing of any party ~~thereto to the apprenticeship agreement~~. After the probationary period, the ~~Apprenticeship and Training Council shall be~~ council is empowered to terminate the registration of an apprentice upon agreement of the parties;

7. Services of council. ~~Provision A provision~~ that the services of the Apprenticeship and Training Council council may be utilized for consultation regarding the settlement of differences arising out of the apprenticeship agreement, ~~where such when~~ differences cannot can not be adjudged locally or in accordance with the established ~~trade~~ occupation procedure;

8. Transfer of obligation of employer. ~~Provision A provision~~ that if an employer is unable to fulfill his the obligation under the apprenticeship agreement, ~~he the employer~~ may transfer such the obligation to another employer;

9. No discrimination. ~~Provision A provision~~ that there will may be no discrimination in employment of apprentices under the program because of sex, race, creed or color; and

10. Additional standards. ~~Such additional~~ Additional standards as may be prescribed in accordance with this chapter.

Sec. 6. 26 MRSA §1005, as amended by PL 1989, c. 443, §59, is repealed.

Sec. 7. 26 MRSA §1005-A, as amended by PL 1989, c. 700, Pt. A, §105, is repealed.

Sec. 8. 26 MRSA §1006, as amended by PL 1989, c. 483, Pt. A, §47, is further amended to read:

§1006. Local, regional and state joint apprenticeship committees

Local and state joint apprenticeship committees may be approved; in any ~~trade or group of trades~~ occupation or group of occupations, in cities, regions of the ~~state~~ State or ~~trade occupation~~ areas; by the council; whenever the apprentice training needs of ~~such trade or group of trades~~ any occupation or group of occupations or ~~such~~ regions justify such establishment. These local, regional or state joint apprenticeship committees ~~shall be~~ are composed of an equal number of employer and employee representatives selected by the respective local or state employer and employee organizations in the ~~trade occupation~~ groups of trades occupations; and such advisory members representing local boards or other agencies as may be ~~deemed~~ determined advisable. Each local, regional or state joint apprenticeship committee ~~will~~ must include an even number of members with expertise in issues related to women, minorities or aid to families with dependent children recipients in apprenticeships who ~~shall be~~ are voting members, 1/2 to be chosen by the employer representatives and 1/2 to be chosen by the employee representatives. In a ~~trade or groups of trades~~ an occupation or group of occupations in which there is no bona fide employer or employee organization, a joint committee may be composed of persons known to represent the interests of employers and of employees respectively, or a state joint apprenticeship committee may be approved as the joint committee in ~~such trade or group of trades~~ that occupation or group of occupations. Subject to the review of the council and in accordance with the standards established by the council, such committees may devise standards for apprenticeship agreements and give such aid as may be necessary in their operation in their respective ~~trades occupations~~ and localities. The activities of the committees ~~shall~~ must be in compliance with all applicable affirmative action rules adopted by the council.

Sec. 9. 26 MRSA §1007, is amended to read:

§1007. Voluntary acceptance of provisions

~~Nothing in this~~ This chapter, or ~~in~~ any apprenticeship agreement approved under this chapter, ~~shall~~ may not operate to invalidate any apprenticeship provision in any collective bargaining agreement between employers and employees setting up higher apprenticeship standards. None of the terms or provisions of this chapter ~~shall~~ apply to any person, firm, corporation or craft unless and until such person, firm, corporation or craft voluntarily elects that the terms and provisions of ~~said~~ this chapter ~~shall~~ apply.

Sec. 10. 26 MRSA §§1008 to 1009-C, are enacted to read:

§1008. Staff resources

In carrying out its duties on a state level, the council shall employ personnel of the Bureau of Employment Services within the Department of Labor. Specifically, the bureau must have a director of apprenticeship and training who has the responsibility of supervising the execution of agreements and the maintenance of standards. In addition, the bureau shall keep a record of apprenticeship agreements and programs and ensure that all aspects of related and supplemental instruction are delivered and coordinated in a timely manner. Apprenticeship field staff may be retained by agreements between the bureau and its service provider network. Field staff are responsible for promoting apprenticeships to employers, writing apprenticeship programs and carrying out delegated council duties.

The Commissioner of Labor is ultimately responsible for the selection and supervision of all personnel who may be employed by the council. The budget request of the council must be incorporated into the overall budget of the Department of Labor with the commissioner responsible for providing adequate staff support to the council and for the disbursement of these funds according to council policy.

§1009. Council relationships

The Maine Technical College System remains the primary vendor for apprenticeship-related instruction according to a biennial articulation agreement with the Department of Labor. The council shall cooperate with the Department of Education, local school authorities such as adult education and applied technology centers and other groups in the organization and establishment of classes of related or supplemental instruction for apprentices employed under approved agreements.

Any educational institution or apprenticeship sponsor may provide related and supplemental instruction according to the policies set forth by the council with participating educational providers identifying a contact person to the council staff. As funds permit, the Department of Labor shall underwrite 50% of tuition costs for apprentices in good standing at public educational institutions and provide tuition assistance to sponsor groups in accordance with council policies. In order to ensure that adequate funds are available for tuition, the council shall provide the Commissioner of Labor with its biennial plan, including projected apprenticeship enrollments and a subsequent budget request.

The council shall assist the Department of Education, the State's technical colleges, local school authorities such as adult education and applied technology centers and other groups in developing training courses to establish preapprenticeship training

programs if the technical colleges, local schools and other groups wish to do so. Successful completion of preapprenticeship training programs enables a participant to meet the qualifying standards for the apprenticeship for which the participant has expressed serious interest. All preapprenticeship training programs are subject to approval by the council.

In addition, the council shall cooperate with the Maine Jobs Council, the Department of Labor and the Department of Economic and Community Development in matters relating to work force and economic development.

The council shall cooperate and consult with the Department of Corrections to develop policies concerning issues of job safety for prisoners involved in prison industries programs, work release programs and job displacement created by such programs and to develop opportunities for jobs in the prison industries programs consistent with Title 34-A, section 1403, subsection 9.

The council shall cooperate, consult and coordinate with groups that help people on welfare find jobs. The council shall also cooperate with other relevant groups to identify obstacles that may prevent the greater participation of women and of aid to families with dependent children recipients in registered apprenticeships, and the necessary measures to be taken to overcome them.

§1009-A. Outreach and expansion

Council field staff are responsible for identifying and contacting potential sponsors with whom apprenticeship programs may be developed. Staff may receive business referrals from a variety of sources including, but not limited to, local work force development centers, business visitation programs, local chambers of commerce, the Department of Economic and Community Development and the Department of Labor's Employer Assistance Division. Staff and council members may regularly conduct presentations to employer groups, schools and other interested parties and develop brochures, public service announcements and promotional videotapes for the purpose of promoting apprenticeship.

§1009-B. Technical assistance for sponsors

Council staff may provide apprenticeship sponsors with technical assistance that encourages high-quality job creation, reorganizes a workplace to remain competitive, upgrades worker skills by providing essential work competencies, occupational task analysis and instructor training. Council staff may also provide technical assistance that encourages affirmative action and recruitment of special populations.

§1009-C. Council conformity with federal regulations

All apprentice and training programs established under this chapter must conform to 29 Code of Federal Regulations, Parts 29 and 30, and any subsequent applicable provisions. The Federal Bureau of Apprenticeship and Training is available as a resource to the council.

Sec. 11. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1997-98	1998-99
LABOR, DEPARTMENT OF		
Employment Services Activity		
All Other	\$180,000	\$180,000
Appropriates funds to reflect the transfer of the responsibility for the payment of 50% of the tuition costs for certain apprentices from the Maine Technical College System.		
DEPARTMENT OF LABOR TOTAL	\$180,000	\$180,000
MAINE TECHNICAL COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE		
Maine Technical College System - Board of Trustees		
All Other	(\$180,000)	(\$180,000)
Deappropriates funds to reflect the transfer of the responsibility for the payment of 50% of the tuition costs for certain apprentices to the Department of Labor.		
BOARD OF TRUSTEES OF THE MAINE TECHNICAL COLLEGE SYSTEM TOTAL	(\$180,000)	(\$180,000)

TOTAL _____
 APPROPRIATIONS \$-0- \$-0-

See title page for effective date.

CHAPTER 523

S.P. 589 - L.D. 1759

An Act to Create the Maine Governmental Facilities Authority

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

Sec. 1. 4 MRSA c. 33, is amended by repealing the headnote and enacting in its place the following:

CHAPTER 33

MAINE GOVERNMENTAL FACILITIES AUTHORITY

Sec. 2. 4 MRSA §§1601 and 1602, as enacted by PL 1987, c. 438, §1, are amended to read:

§1601. Short title

This chapter ~~shall be~~ is known and may be cited as the "Maine ~~Court~~ Governmental Facilities Authority Act."

§1602. Maine Governmental Facilities Authority; members; compensation

1. Establishment; membership. The Maine ~~Court~~ Governmental Facilities Authority is created as a body corporate and politic and a public instrumentality ~~and agency~~ of the State. The exercise by the authority of powers conferred by this chapter ~~shall be~~ is considered to be the performance of essential governmental functions. The authority ~~shall consist~~ consists of 5 members, one of whom ~~shall be~~ is the Treasurer of State, serving as an ex officio, voting member, one of whom is the Commissioner of Administrative and Financial Services, serving as an ex officio, voting member, and ~~4~~ 3 other members who shall each serve for a term of 5 years and ~~shall be~~ are appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over state and local government and confirmation by the Legislature. Any member of the authority may be removed by the Governor for cause. In the event of vacancy occurring in the membership, the Governor shall appoint a replacement member for the remainder of that term. Each member of the authority shall serve until that member's successor is appointed and qualified. Any member of the authority ~~shall be~~ is eligible for reappointment.

A. The initial appointed members of the authority ~~shall be~~ are appointed in a manner to stagger the terms of the members. Of the initial ~~4~~ 3 appointed members, ~~one shall be appointed to a term of 2 years; one shall be~~ is appointed to a term of 3 years; one ~~shall be~~ is appointed to a term of 4 years; and one ~~shall be~~ is appointed to a term of 5 years.

2. Oath. Each member of the authority before commencing ~~his~~ the member's duties shall take an oath to administer the duties of ~~his~~ that office faithfully and impartially and that oath ~~shall~~ must be filed in the office of the Secretary of State.

3. Officers; quorum. The authority shall elect from its membership a ~~chairman, a vice chairman, a secretary and a treasurer~~ chair and a vice-chair. In addition, the authority may have a secretary and a treasurer, who may be members or nonmembers of the authority. Three members of the authority ~~shall~~ be is necessary for any action taken by the authority. ~~No~~ A vacancy in the membership of the authority ~~may~~ does not impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

4. Compensation. Each member of the authority ~~shall be compensated~~ is entitled to compensation in accordance with Title 5, chapter 379. Each member of the authority ~~shall~~ must be indemnified by the authority against expenses actually and necessarily incurred by ~~him~~ the member in connection with the defense of any action or proceeding in which ~~he~~ the member is made a party by reason of ~~his~~ being or having been a member of the authority, and against any final judgment rendered against ~~him~~ the member in that action or proceeding.

Sec. 3. 4 MRSA §1603, sub-§§1 to 3, as enacted by PL 1987, c. 438, §1, are amended to read:

1. Act. "Act" means the Maine ~~Court~~ Governmental Facilities Authority Act.

2. Authority. "Authority" means the Maine ~~Court~~ Governmental Facilities Authority as established by this Act.

3. Bonds. "Bonds" means any bonds or securities of the Maine ~~Court~~ Governmental Facilities Authority issued pursuant to this Act.

Sec. 4. 4 MRSA §1603, sub-§4, ¶¶C and I, as enacted by PL 1987, c. 438, §1, are amended to read:

C. The cost of all labor, materials, machinery, furniture, fixtures and equipment;