

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

man Resources, or the executive director's designee, shall serve as chair.

4. Term. The terms of the members are as follows.

- A. Each member serves a term of 5 years.
- B. A member shall continue to serve after the expiration of that member's term until a qualified successor is designated. The member's continuation as a member does not change the expiration of that member's term.
- C. The term of a member designated to succeed a member whose term has expired expires 5 years after the expiration date of the term of the previous member, regardless of the effective date of the new designation. There is no limit to the number of terms to which a member may be designated.
- D. The designating authority shall designate a person to fill a vacancy caused by death, resignation or ineligibility within 60 days. This designation is for the unexpired portion of the term and must be made from a designation provided by the organization the former member represented, as provided in subsection 1. With the agreement of the member being replaced and of the designating authority, the member being replaced serves until a replacement is designated. Otherwise, a vacancy exists until a replacement is designated.
- E. A member is considered to have resigned if:
 - (1) The member severs the affiliation with the organization that designated the member in accordance with subsection 1; or
 - (2) The member is absent from 3 consecutive meetings of the advisory committee without good cause as determined by the advisory committee.

5. Transaction of business. The transaction of business by the advisory committee is governed as follows.

- A. Four voting members constitute a quorum for the transaction of any business.
- B. Each member is entitled to one vote.
- C. Affirmative votes of a simple majority of the quorum or, if greater, of the voting members present are necessary for the passage of any resolution or any other action by the advisory committee.

6. Rules. Rules authorized by section 286-M, subsection 4, paragraph C must be submitted to the advisory committee for the advisory committee's review and recommendations before those rules may be adopted.

Sec. 6. 5 MRSA §12004-I, sub-§74-J is enacted to read:

74-J.

<u>Public Safety</u>	<u>Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program Advisory Committee</u>	<u>Not Authorized</u>	<u>5 MRSA §286-N</u>
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Sec. 7. Open enrollment. Notwithstanding the Maine Revised Statutes, Title 5, section 286-M, subsection 5, a county or municipal law enforcement officer or a municipal firefighter, as defined in Title 5, section 286-M, subsection 2, paragraphs A and H, respectively, who is employed as a county or municipal law enforcement officer or a municipal firefighter at any time beginning October 1, 2019 and ending December 31, 2021 may enroll in the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program established in Title 5, section 286-M, subsection 1 at any time during that period while employed as a county or municipal law enforcement officer or a municipal firefighter. Such a person who enrolls in the program and is not otherwise eligible to enroll in the program under Title 5, section 286-M, subsection 5 shall contribute to the Firefighters and Law Enforcement Officers Health Insurance Program Fund established in Title 5, section 286-M, subsection 7 a percentage of that person's gross wages since that person's effective date of hire as a county or municipal law enforcement officer or a municipal firefighter to that person's date of enrollment in the program equal to 1.5% for the first 5 years and 3% for additional years.

See title page for effective date.

**CHAPTER 447
H.P. 1209 - L.D. 1685**

An Act To Facilitate Entry of Immigrants into the Workforce

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

Sec. 1. 10 MRSA c. 110, sub-c. 13 is enacted to read:

SUBCHAPTER 13**FOREIGN CREDENTIALING AND SKILLS
RECOGNITION REVOLVING LOAN
PROGRAM****§1100-AA. Foreign Credentialing and Skills
Recognition Revolving Loan Program**

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Eligible costs" means the following costs incurred by an immigrant prior to the immigrant's obtaining a work permit and incurred for the purpose of improving the immigrant's work-readiness once the immigrant obtains a work permit:

(1) Costs of translating into English any diplomas, transcripts or other documents establishing courses studied or the completion of secondary school or of higher education at either the undergraduate or graduate level;

(2) Fees related to education evaluations establishing the equivalency level of education or experience attained abroad;

(3) Costs of translation into English of documents related to professional licenses or registrations obtained abroad;

(4) Costs of translation into English of letters of reference or recommendations related to education or experience obtained abroad;

(5) Fees related to test preparation courses or registration fees for a standard test of English as a foreign language or other standardized test recognized worldwide that measures English language proficiency, when necessary for an immigrant's work;

(6) Expenses for employment or professional applications, certifications, licensing fees and related requirements for seeking employment, including but not limited to fingerprinting and required tests;

(7) Fees related to obtaining a Maine driver's license, including but not limited to driver's education course fees, learner's permit application fees and driver's license fees; and

(8) Costs to travel to the nearest location of any exam or test needed to establish the applicant's skills or credentials or English language proficiency if there is no location within 60 miles of the Maine town in which the immigrant resides.

B. "Fund" means the Foreign Credentialing and Skills Recognition Revolving Loan Program Fund, established in subsection 3.

C. "Immigrant" means a person who:

(1) Is not a United States citizen;

(2) Has filed applications or petitions with the United States Citizenship and Immigration Services or with the immigration courts of the United States Department of Justice, Executive Office for Immigration Review or with any successor federal immigration authority entitling the person to request a work permit while the person's applications or petitions are pending; and

(3) Has received education, work experience or work training, or any combination, in a foreign country.

D. "Program" means the Foreign Credentialing and Skills Recognition Revolving Loan Program, established in subsection 2.

E. "Work permit" means a federal authorization of a person who is not a United States citizen to work in the United States.

2. Program established. The Foreign Credentialing and Skills Recognition Revolving Loan Program is established to provide financial assistance to immigrants who need assistance in paying for eligible costs.

3. Fund established. The Foreign Credentialing and Skills Recognition Revolving Loan Program Fund is established as a nonlapsing revolving fund to be administered by the authority. All amounts appropriated to the program must be deposited into the fund as well as all amounts repaid to the program by persons receiving loans under the program. Amounts in the fund must be used by the authority for purposes authorized in this section.

4. Eligible applicants. To be eligible to receive assistance from the fund an immigrant:

A. Shall apply to the authority to participate in the program. The application may be filed directly by the immigrant or, at the request of and on behalf of the immigrant, by an adult education program of a school administrative unit that provides English as a second language, job skills or other instruction or assistance to improve the work readiness of the immigrant;

B. Must have filed an application or petition with federal immigration authorities that entitles the immigrant to request a work permit in any of the categories set forth in 8 Code of Federal Regulations, Section 274a.12(c)(2019). The immigrant shall provide electronic or paper evidence establishing that the application or petition was filed with federal immigration authorities and shall state which section of 8 Code of Federal Regulations, Section 274a.12(c)(2019) allows the immi-

grant to request a work permit. An immigrant is not eligible if the immigrant has been denied a work permit at the time of making the application. In the case of asylum seekers, an immigrant is eligible if the immigrant's request for asylum has been pending for fewer than 150 days since the date of its filing and the immigrant has not yet been able to apply for a work permit pursuant to 8 Code of Federal Regulations, Section 274a.12(c)(8)(2019) or, if more than 150 days have elapsed since the asylum application was filed, the immigrant has a pending application for a work permit at the time of making the application to the program; and

C. Shall submit evidence of incurring or needing to incur eligible costs.

5. Disbursement from the fund. Upon approval of an immigrant, the authority shall determine the amount to be disbursed from the fund to the immigrant. Funds must be disbursed directly to and used by the immigrant pursuant to a contract entered into between the immigrant and the authority in accordance with subsection 7. Funds must be disbursed by the authority in one lump sum in the form of an interest-free loan. An immigrant may not receive more than the maximum amount established by the authority, regardless of whether the immigrant submits one or multiple applications to the fund.

6. Treatment of loans. Amounts loaned to an individual under the program are not income for purposes of any municipal general assistance program as defined by Title 22, section 4301, subsection 7.

7. Contract. An individual who has been approved for participation in the program shall enter into a contract with the authority. The contract governs the administration of the program and the use of funds. The contract must include the following terms and conditions:

A. Agreement by the individual that the individual will use the funds only to pay for eligible costs;

B. Agreement by the individual to repay the loan in compliance with the terms and conditions established by the authority;

C. Agreement by the individual to retain copies of receipts for expenditures on eligible costs incurred and provide these to the authority upon request for auditing or reporting purposes;

D. A provision that, if the individual breaches the contract with the authority, the authority may require immediate repayment of the loan to the authority; and

E. Any other terms and conditions the authority determines appropriate.

8. Administrative costs. The authority may charge the fund reasonable administrative fees, not to exceed 5%, for its administration of the fund.

9. Financing terms and conditions. Loans under the program must conform to the following requirements.

A. A loan to any individual for eligible costs may not exceed \$700, but this limit may be adjusted upward at least biannually by the authority to reflect inflation or cost of living or other necessary adjustments;

B. Loans are not subject to interest;

C. Loans must be repaid in full by an individual within 18 months of disbursement by the authority, together with any reasonable administrative fee established by the authority not to exceed 5% of the total of the loan funds disbursed to the individual, except that:

(1) In any case of demonstrable hardship, the authority may allow extensions of time for repayment or other flexibility in repayment terms; and

(2) Repayment of a loan may not be required until at least 60 days after the recipient of the loan has obtained a work permit, except that, if the recipient of the loan has obtained a work permit but has not obtained employment, repayment may not be required until at least 30 days after the recipient has obtained employment as long as the recipient is in compliance with the provisions of Title 22, section 4316-A.

10. Rules. The authority shall adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

FINANCE AUTHORITY OF MAINE

Foreign Credentialing and Skills Recognition Revolving Loan Program Fund

Initiative: Provides ongoing appropriations to the Foreign Credentialing and Skills Recognition Revolving Loan Program.

GENERAL FUND	2019-20	2020-21
All Other	\$75,000	\$75,000
GENERAL FUND TOTAL	\$75,000	\$75,000

See title page for effective date.