

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

SECOND SPECIAL SESSION
September 29, 2021

SECOND REGULAR SESSION
January 5, 2022 to May 9, 2022

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 29, 2021

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 8, 2022

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

Augusta, Maine
2022

CHAPTER 687
S.P. 281 - L.D. 730

**An Act Regarding Staffing and
Funding of the Citizen Trade
Policy Commission**

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

Sec. 1. 10 MRSA §11, sub-§8, as repealed and replaced by PL 2013, c. 427, §1, is repealed and the following enacted in its place:

8. Staff; funding. In accordance with section 945-A, the Maine International Trade Center shall provide or arrange and manage staffing as necessary for the commission. The departments listed in subsection 4, paragraph B shall provide information and assistance to the commission when the expertise of the departments is relevant to the work for which assistance is requested by the commission.

All funds appropriated, allocated or otherwise provided to support the commission, other than funds for per diem and expenses of legislative members, must be deposited in a separate staff support account within the Department of Economic and Community Development administered by the International Trade Director within the Department of Economic and Community Development. Funds in the account are nonlapsing. Funds in the account may be used by the International Trade Director for the purposes of funding the costs of the Maine International Trade Center in staffing the commission and of the assessment described in subsection 9, paragraph C. At the beginning of each fiscal year, and at any other time at the request of the cochair of the commission, the International Trade Director shall provide to the commission an accounting of funds expended to support the work of the commission over the previous 12 months as well as funds available to support the work of the commission in the next 12 months.

Sec. 2. 10 MRSA §11, sub-§10, as amended by PL 2013, c. 427, §2, is repealed.

Sec. 3. 10 MRSA §945-A, sub-§10 is enacted to read:

10. Staffing. The center shall provide or arrange and manage staffing for the Citizen Trade Policy Commission in accordance with section 11.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

**ECONOMIC AND COMMUNITY
DEVELOPMENT, DEPARTMENT OF
International Commerce 0674**

Initiative: Transfers funding for the Citizen Trade Policy Commission from the Legislature to the International Commerce program within the Department of Economic and Community Development.

| GENERAL FUND | 2021-22 | 2022-23 |
|--------------------|---------|----------|
| Personal Services | \$0 | \$1,320 |
| All Other | \$0 | \$26,300 |
| GENERAL FUND TOTAL | \$0 | \$27,620 |

| ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF DEPARTMENT TOTALS | 2021-22 | 2022-23 |
|---|---------|----------|
| GENERAL FUND | \$0 | \$27,620 |
| DEPARTMENT TOTAL - ALL FUNDS | \$0 | \$27,620 |

LEGISLATURE

Citizen Trade Policy Commission Z173

Initiative: Transfers funding for the Citizen Trade Policy Commission from the Legislature to the International Commerce program within the Department of Economic and Community Development.

| GENERAL FUND | 2021-22 | 2022-23 |
|--------------------|---------|------------|
| Personal Services | \$0 | (\$1,320) |
| All Other | \$0 | (\$26,300) |
| GENERAL FUND TOTAL | \$0 | (\$27,620) |

| LEGISLATURE DEPARTMENT TOTALS | 2021-22 | 2022-23 |
|----------------------------------|---------|------------|
| GENERAL FUND | \$0 | (\$27,620) |
| DEPARTMENT TOTAL - ALL FUNDS | \$0 | (\$27,620) |

| SECTION TOTALS | 2021-22 | 2022-23 |
|------------------------------|---------|---------|
| GENERAL FUND | \$0 | \$0 |
| SECTION TOTAL - ALL FUNDS | \$0 | \$0 |

See title page for effective date.

CHAPTER 688
H.P. 654 - L.D. 898

**An Act To Create the Essential
Support Workforce Advisory
Committee**

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

Sec. 1. 5 MRSA §12004-I, sub-§54-E is enacted to read:

54-E.

| | | | |
|--------------|---------------------------|-----------------------|----------------|
| <u>Labor</u> | <u>Essential Support</u> | <u>Not Authorized</u> | <u>26 MRSA</u> |
| | <u>Workforce Advisory</u> | | <u>§3702</u> |
| | <u>Committee</u> | | |

Sec. 2. 26 MRSA c. 47 is enacted to read:

CHAPTER 47

ESSENTIAL SUPPORT WORKFORCE ADVISORY COMMITTEE

§3701. Definitions

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

1. Benefit cliff effect. "Benefit cliff effect" means the situation that arises when an individual or family receiving state, federal or local public benefits has a new or increased income that results in a loss of any of those public benefits and the increased income does not fully compensate for, or exceed, the financial loss of those public benefits.

2. Essential support worker. "Essential support worker" has the same meaning as in Title 22, section 7401, subsection 3.

§3702. Essential Support Workforce Advisory Committee

1. Advisory committee established. The Essential Support Workforce Advisory Committee, as established in Title 5, section 12004-I, subsection 54-E and referred to in this chapter as "the advisory committee," is established to advise the Legislature, the Governor and state agencies on the State's shortage of essential support workers.

2. Membership. The advisory committee consists of 14 members, appointed as follows:

A. One member of the Senate, appointed by the President of the Senate;

B. One member of the House of Representatives, appointed by the Speaker of the House;

C. The Commissioner of Health and Human Services or the commissioner's designee;

D. The Commissioner of Labor or the commissioner's designee;

E. One member representing an organization providing services to persons with intellectual disabilities and autism who is a member of a statewide association of providers of services to persons with intellectual disabilities and autism, appointed by the President of the Senate;

F. One member representing a facility-based long-term care provider who is a member of a statewide

association of facility-based long-term care providers, appointed by the President of the Senate;

G. One member representing a service coordination agency for people receiving home-based and community-based long-term care, appointed by the President of the Senate;

H. One member representing an organization providing statewide homemaker services through a state-funded, independent, support service program, appointed by the President of the Senate;

I. One member representing an institution of higher education engaged in workforce development, appointed by the President of the Senate;

J. One member representing a career and technical education center or region, appointed by the Speaker of the House;

K. One member representing an organization promoting independent living for persons with disabilities, appointed by the Speaker of the House;

L. One member who is an essential support worker, appointed by the Speaker of the House;

M. One member representing a statewide advocacy association that broadly advocates for people who are entitled to receive essential support worker services, appointed by the Speaker of the House; and

N. One member representing an organization providing services to persons with behavioral health challenges who is a member of a statewide association of providers of services to persons with behavioral health challenges, appointed by the Speaker of the House.

3. Meetings. The advisory committee may meet as often as necessary but shall meet not fewer than 3 times a year.

4. Chairs. At its first meeting, the advisory committee shall select a chair and vice-chair from among its members and may select a new chair and vice-chair annually.

5. Terms of appointments. Members of the advisory committee, except for Legislators, are appointed for terms of 3 years and may serve beyond their designated terms until their successors are appointed. The terms of appointment of Legislators run concurrently with their respective legislative terms of office.

6. Legislative members not entitled to compensation. Notwithstanding Title 3, section 2 or any other law to the contrary, legislative members are not entitled to per diem pay or expenses for any advisory committee meetings the member attends.

7. Staffing. The Department of Labor shall provide staff support for advisory committee meetings and may provide other support to the advisory committee.

To the extent funding is available, the advisory committee may contract for staff services as needed.

8. Duties and powers. The advisory committee shall:

A. Collaborate with the Department of Labor, the Department of Health and Human Services, the State's institutions of higher education, the State's adult education programs and career and technical education centers and regions and any other state agencies to examine staffing level needs in the essential support workforce, including entities funded by the State and through the MaineCare program;

B. Make recommendations to state agencies and the Legislature related to recruitment and retention of essential support workers;

C. Monitor essential support worker shortages and the expansion of the essential support workforce to examine if actions taken to promote expansion in the essential support workforce have been successful;

D. Make recommendations to the Department of Labor, the Department of Health and Human Services, the Legislature and other state agencies regarding additional research needed to further the expansion of the essential support workforce;

E. Collect data related to the essential support workforce;

F. Examine benefit cliff effects on essential support workers and recommend and develop a pilot project to mitigate benefit cliff effects on essential support workers; and

G. Make recommendations to the Legislature, including any suggested legislation.

9. Departments to provide updates. The Department of Labor and the Department of Health and Human Services shall provide quarterly updates to the advisory committee regarding their efforts to expand the State's essential support workforce.

10. Report to Legislature. Beginning January 1, 2023 and annually thereafter, the advisory committee shall submit a report to the joint standing committees of the Legislature having jurisdiction over labor matters and health and human services matters on its activities under this chapter.

11. Funding. The advisory committee may seek, accept and expend outside funding to carry out its duties. The advisory committee may accept funds from the Federal Government pursuant to the federal American Rescue Plan Act of 2021, Public Law 117-2, to the extent the funds are eligible to be used for the purposes of the advisory committee in accordance with federal law and regulations.

§3703. Repeal

This chapter is repealed January 1, 2028.

Sec. 3. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 26, section 3702, subsection 5, initial appointments to the Essential Support Workforce Advisory Committee must be staggered as follows:

1. One member appointed by the President of the Senate must be appointed for a one-year term; one member must be appointed for a 2-year term; and 3 members must be appointed for 3-year terms; and

2. One member appointed by the Speaker of the House must be appointed for a one-year term; one member must be appointed for a 2-year term; and 3 members must be appointed for 3-year terms.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

LABOR, DEPARTMENT OF

Employment Services Activity 0852

Initiative: Provides funds for one part-time Labor Program Specialist position and related All Other costs to provide staffing and other support to the Essential Support Workforce Advisory Committee through January 1, 2028.

| GENERAL FUND | 2021-22 | 2022-23 |
|-----------------------|---------|----------|
| POSITIONS - FTE COUNT | 0.000 | 0.250 |
| Personal Services | \$0 | \$18,249 |
| All Other | \$0 | \$10,789 |
| GENERAL FUND TOTAL | \$0 | \$29,038 |

Workforce Research Z164

Initiative: Provides funds for one part-time Statistician II position and related All Other costs to support the collection of data for the Essential Support Workforce Advisory Committee through January 1, 2028.

| GENERAL FUND | 2021-22 | 2022-23 |
|-----------------------|---------|----------|
| POSITIONS - FTE COUNT | 0.000 | 0.250 |
| Personal Services | \$0 | \$13,748 |
| All Other | \$0 | \$3,649 |
| GENERAL FUND TOTAL | \$0 | \$17,397 |

LABOR, DEPARTMENT OF DEPARTMENT TOTALS

| | 2021-22 | 2022-23 |
|------------------------------|---------|----------|
| GENERAL FUND | \$0 | \$46,435 |
| DEPARTMENT TOTAL - ALL FUNDS | \$0 | \$46,435 |

See title page for effective date.