

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 2022 to March 30, 2023**

**FIRST SPECIAL SESSION**  
**April 5, 2023 to July 26, 2023**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NONEMERGENCY LAWS IS**  
**JUNE 29, 2023**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NONEMERGENCY LAWS IS**  
**OCTOBER 25, 2023**

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

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**Augusta, Maine**  
**2023**

1. Background check. The board shall request a background check for each person who submits an application for initial licensure or licensure by endorsement under this chapter. The background check must include criminal history record information obtained from the Maine Criminal Justice Information System and, once approved and authorized by the federal Department of Justice, from the Federal Bureau of Investigation. The following provisions apply.

A. The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of public criminal history record information as defined in Title 16, section 703, subsection 8.

B. The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information.

C. An applicant shall submit to having fingerprints taken. The State Police, upon payment of a fee established by the board by rule by the applicant, shall take or cause to be taken the applicant's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police for purposes of this paragraph must be paid over to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety.

D. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709.

E. State and federal criminal history record information may be used by the board for the purpose of screening each applicant. A board action against an applicant under this subsection is subject to the provisions of Title 5, chapter 341.

F. Information obtained pursuant to this subsection is confidential. The results of background checks received by the board are for official use only and may not be disseminated to any other person or entity.

G. An applicant whose license has expired and who has not applied for renewal may request in writing that the State Bureau of Identification remove the applicant's fingerprints from the bureau's finger-

print file. In response to a written request, the bureau shall remove the applicant's fingerprints from the fingerprint file and provide written confirmation of that removal.

2. Rules. The board, following consultation with the State Bureau of Identification, shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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**CHAPTER 318**

**H.P. 991 - L.D. 1539**

**An Act to Promote a Diverse,  
More Experienced Workforce  
and Ensure High-quality  
Careers by Increasing  
Registered Apprenticeship  
Programs**

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

**Sec. 1. 26 MRSA §3201, sub-§23-A** is enacted to read:

**23-A. Total package value.** "Total package value" means the hourly sum of the following:

A. Wages;

B. The dollar value of employer-paid health insurance; and

C. The dollar value of employer-paid retirement contribution benefits, except those retirement contribution benefits that require the employee to match the employer-paid contributions for the employee to access the retirement fund offered by the employer.

**Sec. 2. 26 MRSA §3203, sub-§1, ¶E,** as enacted by PL 2011, c. 491, §13, is amended to read:

E. A schedule of progressively increasing wages to be paid to an apprentice consistent with the skill acquired. The entry wage may not be less than the minimum wage prescribed by the federal Fair Labor Standards Act of 1938 for student preapprentices and not less than ~~\$10 per hour~~ or 50% of the journeyman rate, ~~whichever is highest~~, for adult registered apprentices, unless a higher wage is required by other applicable federal law or regulation or state law or rule or by collective bargaining agreement. For purposes of this paragraph, "journeyman rate" is the rate of pay established by the sponsor for an apprentice who has met all of the skill, knowledge and competency requirements for that occupation;

**Sec. 3. 26 MRSA §3203, sub-§1, ¶T**, as enacted by PL 2011, c. 491, §13, is amended to read:

T. The name, address, telephone number and e-mail address, if appropriate, for the appropriate individual with authority under the apprenticeship program to receive, process and make disposition of complaints; ~~and~~

**Sec. 4. 26 MRSA §3203, sub-§1, ¶U**, as enacted by PL 2011, c. 491, §13, is amended to read:

U. Provision for recording and maintenance of all records concerning apprenticeship as may be required by the Maine Apprenticeship Program and other applicable law; ~~;~~

**Sec. 5. 26 MRSA §3203, sub-§1, ¶V** is enacted to read:

V. The dollar value of employer-paid health insurance; and

**Sec. 6. 26 MRSA §3203, sub-§1, ¶W** is enacted to read:

W. The dollar value of employer-paid retirement contribution benefits, except those retirement contribution benefits that require the employee to match the employer-paid contributions for the employee to access the retirement fund offered by the employer.

**Sec. 7. 26 MRSA §3204, sub-§2**, as enacted by PL 2011, c. 491, §13, is amended to read:

**2. Evaluation.** The Maine Apprenticeship Program shall evaluate the performance of a registered apprenticeship program. The tools and factors to be used must include, but are not limited to:

- A. Quality assurance assessments;
- B. Equal employment opportunity compliance reviews; ~~and~~
- C. Completion rates. The cancellation of an apprenticeship agreement during the probationary period under section 3205, subsection 8 does not have an adverse impact on an apprenticeship program's completion rate; ~~and~~
- D. The total package value of a registered apprenticeship program.

**Sec. 8. 26 MRSA §3204, sub-§5** is enacted to read:

**5. Registered apprenticeship programs not in compliance.** The department shall identify and act to remedy registered apprenticeship programs that are:

- A. Not in compliance with quality assurance assessments;
- B. Experiencing low rates of retention or completion; or

C. Not providing an adequate total package value to apprentices completing an apprenticeship program as determined by the department.

The department shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 9. 26 MRSA §3204, sub-§6** is enacted to read:

**6. Department to perform assessment annually.** Beginning January 1, 2024, the department shall annually perform an assessment on the Maine Apprenticeship Program. The assessment must include, but is not limited to, the following:

- A. A summary of performance data collected from program sponsors;
- B. Best practices being used and areas for improvement, as determined by the department; and
- C. Steps taken by the department to ensure continuous improvement on key performance metrics.

**Sec. 10. 26 MRSA §3209, sub-§4, ¶J**, as enacted by PL 2011, c. 491, §13, is amended to read:

J. Ensuring an annual report is provided by March 1st of each year to the Governor, the joint standing committee of the Legislature having jurisdiction over labor and economic development matters and the joint standing committee of the Legislature having jurisdiction over education and cultural affairs that includes the following:

- (1) The name and location of each sponsor;
- (2) The number of apprentices registered into and completing apprenticeship; ~~and~~
- (3) The return on investment; ~~;~~
- (4) Data on wages and benefits for apprentices enrolled in apprenticeship programs and for apprentices who complete an apprenticeship program;
- (5) Actions taken by the council to ensure apprenticeships are leading to well-paying jobs and careers; and
- (6) The assessment required under section 3204, subsection 6.

**Sec. 11. 26 MRSA §3211, sub-§8** is enacted to read:

**8. Monetary incentive program; historically underrepresented populations.** To the extent that funding is available, the Maine Apprenticeship Council shall, in coordination with the department, establish a financial incentive program for registered apprenticeships to recruit historically underrepresented populations. No more than 50% of the funds granted under this

program may be allocated to the registered apprenticeship sponsor, and the remaining 50% of the funds must be reserved for stipends for registered apprentices who meet the criteria established under this program.

Sec. 12. 26 MRSA §3211, sub-§9 is enacted to read:

**9. Department, Maine Apprenticeship Council to establish criteria for funding registered apprenticeships.** The Maine Apprenticeship Council shall, in coordination with the department, establish criteria for funding registered apprenticeship programs. The criteria must establish benchmarks and consider the total package value that a registered apprentice graduate earns upon transitioning to journeyman status.

See title page for effective date.

**CHAPTER 319**

**H.P. 1004 - L.D. 1559**

**An Act to Advance the State's Public Transit Systems by Reinvigorating the Public Transit Advisory Council**

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

Sec. 1. 23 MRSA §73, sub-§3, ¶E, as corrected by RR 1991, c. 2, §88, is amended to read:

E. Meet the diverse transportation needs of the people of the State, including rural and urban populations and the unique mobility needs of the elderly older adults and disabled persons with disabilities, including the employment of alternative modes of transportation;

Sec. 2. 23 MRSA §73, sub-§3, ¶F, as corrected by RR 1991, c. 2, §88, is amended to read:

F. Be consistent with the purposes, goals and policies of the Comprehensive Planning and Land Use Regulation Act; and

Sec. 3. 23 MRSA §73, sub-§3, ¶G, as corrected by RR 1991, c. 2, §88, is amended to read:

G. Incorporate a public participation process in which local governmental bodies and the public have timely notice and opportunity to identify and comment on concerns related to transportation planning decisions, capital investment decisions and project decisions. The department and the Maine Turnpike Authority shall take the comments and concerns of local citizens into account and must be responsive to them; and

Sec. 4. 23 MRSA §73, sub-§3, ¶H is enacted to read:

H. Facilitate and support the public transportation systems in the State to achieve accessibility, affordability and convenience for the average person's mobility needs.

Sec. 5. 23 MRSA §4209-A, sub-§2, ¶B, as enacted by PL 2015, c. 182, §8, is amended to read:

B. The following individuals appointed by the commissioner:

- (1) One representative each from the federally designated planning organizations for the Bangor, Kittery, Lewiston and Auburn and Portland regions;
- (2) One representative of private bus operators;
- (3) One representative of a statewide non-profit organization advocating on behalf of the elderly older adults;
- (4) One representative of a medical provider;
- (5) One representative of a business that relies on public transportation an organization representing the business community with an interest in improving public transportation;
- (6) One representative of a statewide association of planning and development agencies;
- (7) One representative of an organization representing persons with disabilities;
- (8) ~~One representative of a nonprofit transit provider~~ Four representatives of 2 separate public or nonprofit transit agencies, 2 of whom represent an urban agency and 2 of whom represent a rural agency;
- (9) One representative of an economic development organization; and
- (10) One representative of an organization representing low-income persons;
- (11) One representative of an organization from one of the State's immigrant communities;
- (12) One representative of the State's un-housed community; and
- (13) One representative representing youth interests who is 16 years of age or older and under 25 years of age.

In making appointments, the commissioner shall ensure that rural and urban areas are represented.

Sec. 6. 23 MRSA §4209-A, sub-§4, as amended by PL 2019, c. 211, §2, is further amended to read:

4. **Terms, vacancies and council chair.** A member of the council appointed pursuant to subsection 2,