

CHAPTER 25
WORKFORCE INVESTMENT
SUBCHAPTER 1
GENERAL PROVISIONS

§2001. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings. [PL 1983, c. 258, §1 (NEW).]

1. Act.

[PL 2003, c. 114, §5 (RP).]

2. Commissioner. "Commissioner" means the Commissioner of Labor.

[PL 1983, c. 258, §1 (NEW).]

3. Job Training Partnership Fund.

[PL 2003, c. 114, §5 (RP).]

4. Local area and local board. "Local area" and "local board" have the same meanings as provided in the Workforce Innovation and Opportunity Act.

[PL 2017, c. 110, §11 (AMD).]

4-A. State workforce development plan. "State workforce development plan" means a state plan under the Workforce Innovation and Opportunity Act.

[PL 2019, c. 246, §1 (NEW).]

5. Workforce Innovation and Opportunity Act. "Workforce Innovation and Opportunity Act" means the federal Workforce Innovation and Opportunity Act, Public Law 113-128.

[PL 2017, c. 110, §11 (AMD).]

SECTION HISTORY

PL 1983, c. 258, §1 (NEW). PL 2003, c. 114, §5 (AMD). PL 2017, c. 110, §11 (AMD). PL 2019, c. 246, §1 (AMD).

§2002. Job Training Partnership Fund

(REPEALED)

SECTION HISTORY

PL 1983, c. 258, §1 (NEW). PL 1983, c. 480, §B28 (AMD). PL 2003, c. 114, §6 (RP).

§2003. Authority of commissioner

The commissioner may enter into agreements with agencies of the Federal Government, State Government or county government as required for the purpose of implementing the Workforce Innovation and Opportunity Act. [PL 2017, c. 110, §12 (AMD).]

SECTION HISTORY

PL 1983, c. 258, §1 (NEW). PL 2003, c. 114, §7 (AMD). PL 2017, c. 110, §12 (AMD).

§2004. Authority of Legislature

(REPEALED)

SECTION HISTORY

PL 1983, c. 258, §1 (NEW). PL 1987, c. 466, §2 (AMD). PL 1987, c. 542, §§F3,F5 (AMD). PL 2003, c. 114, §8 (RP).

§2004-A. Authority of Legislature

The Legislature has general authority to oversee implementation of the Workforce Innovation and Opportunity Act, including, but not limited to, authority to: [PL 2017, c. 110, §13 (AMD).]

1. Review plans. Review plans, policies and standards proposed by a local board, the State Workforce Board, the Governor or any other agency under the Workforce Innovation and Opportunity Act before final approval by the responsible entity; [PL 2017, c. 110, §13 (AMD).]

2. Review evaluations. Review the procedures and findings of evaluations of the effectiveness of the State's implementation of the Workforce Innovation and Opportunity Act; and [PL 2017, c. 110, §13 (AMD).]

3. Receive reports. Receive reports prepared by the State Workforce Board, a local board, the Governor or any agency in connection with implementation of the Workforce Innovation and Opportunity Act, including the report required by section 3101-A. [PL 2017, c. 110, §13 (AMD).]

The State Workforce Board shall submit the state workforce development plan to the joint standing committee of the Legislature having jurisdiction over labor matters for the committee's review at the same time the plan is posted for public comment pursuant to the Workforce Innovation and Opportunity Act. [PL 2019, c. 246, §2 (NEW).]

SECTION HISTORY

PL 2003, c. 114, §9 (NEW). PL 2011, c. 627, §§1, 2 (AMD). PL 2017, c. 110, §13 (AMD). PL 2019, c. 246, §2 (AMD).

§2005. Establishment of the Human Resource Development Council

(REPEALED)

SECTION HISTORY

PL 1987, c. 542, §§F4,F5 (NEW). PL 1987, c. 769, §A108 (AMD). PL 1989, c. 200, §§1-5 (AMD). PL 1989, c. 443, §79 (AMD). PL 1989, c. 878, §A73 (AMD). PL 1997, c. 410, §11 (RP).

§2006. Establishment of State Workforce Investment Board

1. Responsibilities. The State Workforce Board, referred to in this section as "the board," is established to ensure that the State's workforce development system helps Maine people and businesses compete successfully in the global economy. Specific responsibilities include but are not limited to:

A. Performing all of the duties and responsibilities of the state board as defined in the Workforce Innovation and Opportunity Act; [PL 2017, c. 110, §14 (AMD).]

B. Recommending to the Governor a state workforce development plan designed to maximize utilization and effectiveness of state workforce development services; [PL 2003, c. 114, §10 (AMD).]

C. Monitoring agency and system-wide strategic goals based on the statewide workforce development policy and strategic plan and evaluating progress toward meeting those goals; [PL 1997, c. 410, §12 (NEW); PL 1997, c. 410, §13 (AFF).]

D. Providing recommendations to the Governor and the Legislature that would improve system effectiveness and reduce system fragmentation; [PL 1997, c. 410, §12 (NEW); PL 1997, c. 410, §13 (AFF).]

E. Creating greater coordination between economic development and human resource development and education programs; [PL 2003, c. 114, §10 (AMD).]

F. Ensuring a balance between rural and urban workforce development; [PL 2003, c. 114, §10 (AMD).]

G. Providing policy oversight and recommendations to ensure the effectiveness of vocational programs for people with disabilities in order to support efforts that reduce barriers to employment; [PL 2003, c. 114, §10 (NEW).]

H. Providing policy oversight and recommendations to ensure that self-employment, microenterprise and small business are part of the overall workforce development strategy; [PL 2003, c. 114, §10 (NEW).]

I. Providing policy recommendations to ensure the effectiveness of work-related programs and services for youth, including youth with disabilities; [PL 2017, c. 259, §1 (AMD).]

J. Providing policy recommendations to ensure the effectiveness of work-related programs and services for "at-risk" youth; and [PL 2017, c. 259, §1 (AMD).]

K. Supporting and tracking progress toward an attainment goal of increasing the percent of working-age adults holding a high-value certificate, college degree, vocational education or other industry-recognized credential to 60% by 2025 with a focus on meeting future workforce needs and reporting annually on progress to 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 labor, business, research and economic development matters. [PL 2017, c. 259, §2 (NEW).]

[PL 2017, c. 110, §14 (AMD); PL 2017, c. 259, §§1, 2 (AMD).]

2. Membership.

[PL 2019, c. 246, §3 (RP).]

2-A. Membership. The board consists of the Governor and, at a minimum, the following members:

A. Representatives from business and industry, representatives from organized labor and representatives of other interests as determined by the Governor. These appointments are subject to review by the joint standing committee of the Legislature having jurisdiction over labor matters and confirmation by the Legislature; and [PL 2019, c. 246, §4 (NEW).]

B. The following ex officio members:

- (1) County commissioners designated by local boards appointed by the Governor;
- (2) The Commissioner of Labor or the commissioner's designee;
- (3) The Commissioner of Education or the commissioner's designee;
- (4) The Commissioner of Economic and Community Development or the commissioner's designee; and
- (5) Other state, county or municipal officials as the Governor considers necessary appointed by the Governor.

The appointments of these members are not subject to review by the joint standing committee of the Legislature having jurisdiction over labor matters or confirmation by the Legislature. [PL 2019, c. 246, §4 (NEW).]

Appointments must be consistent with the representation requirements of the Workforce Innovation and Opportunity Act. The Governor shall ensure that the board has sufficient expertise to effectively carry out the duties and functions of the board. Members must represent diverse geographic areas of the State, including urban, rural and suburban areas.

[PL 2019, c. 246, §4 (NEW).]

3. Terms of members. One third of the initial appointees shall serve for a one-year term, 1/3 of the initial appointees shall serve for a 2-year term and 1/3 shall serve for a 3-year term. All subsequent appointees shall serve 3-year terms. An appointee continues to serve until that appointee has been reappointed or a successor has been appointed.

[PL 2019, c. 246, §5 (AMD).]

4. Chair and vice-chair. The Governor shall appoint a chair from the members of the board who represent business and industry and a vice-chair from the membership of the board to serve for a one-year term. The Governor may reappoint members to serve as chair or vice-chair.

[PL 2017, c. 110, §16 (AMD).]

5. Functions and duties of the council.

[PL 2003, c. 114, §11 (RP).]

5-A. Apprenticeship.

[PL 2011, c. 491, §9 (RP); PL 2011, c. 627, §3 (RP).]

5-B. Commission on Disability and Employment. In addition to its other duties, the board, through its Commission on Disability and Employment, a standing committee created pursuant to subsection 7, paragraph A, subparagraph (2) and referred to in this subsection as "the standing committee," shall perform the duties of the former Governor's Committee on Employment of People with Disabilities.

A. The standing committee shall:

- (1) Advise, consult and assist the executive and legislative branches of State Government on activities of State Government that affect the employment of disabled individuals. The standing committee is solely advisory in nature. The standing committee may advise regarding state and federal plans and proposed budgetary, legislative or policy actions affecting disabled individuals;
- (2) Serve as an advocate on behalf of disabled citizens promoting and assisting activities designed to further equal opportunity for people with disabilities;
- (3) Conduct educational programs considered necessary to promote public understanding of the employment-related needs and abilities of disabled citizens of this State;
- (4) Provide information, training and technical assistance to promote greater employer acceptance of disabled workers;
- (5) Advise and assist employers and other organizations interested in developing employment opportunities for disabled people; and
- (6) Work with state and local government officials, organizations representing persons with disabilities and the business community to inform the public of the benefits of making facilities and services accessible to and usable by individuals with disabilities. [PL 2011, c. 627, §3 (AMD).]

B. The standing committee shall administer in accordance with current fiscal and accounting regulations of the State, and in accordance with the philosophy, objectives and authority of this subsection, any funds appropriated for expenditure by the standing committee or any grants or gifts

that may become available and are accepted and received by the standing committee. [PL 2011, c. 627, §3 (AMD).]

C. The standing committee shall submit an annual report directly to the Governor and the Legislature not later than January 1st of each year concerning its work, recommendations and interest of the previous fiscal year and future plans. The standing committee shall make any interim reports it considers advisable. [PL 2017, c. 110, §17 (AMD).]

D. The standing committee shall keep minutes of all meetings, including a list of people in attendance. [PL 2011, c. 627, §3 (AMD).]

E. The standing committee may employ, subject to the Civil Service Law, the staff necessary to carry out its objectives. The standing committee may employ consultants and contract for projects it determines necessary. To the extent feasible and reasonable, the standing committee must be given the staff, facilities, equipment, supplies, information and other assistance required to carry out its activities. [PL 2011, c. 627, §3 (AMD).]

F. The standing committee may make necessary rules, consistent with this subsection, for promoting its purposes. [PL 2011, c. 627, §3 (AMD).]

G. [PL 2013, c. 467, §6 (RP).]
[PL 2017, c. 110, §17 (AMD).]

5-C. Occupational information.

[PL 2011, c. 627, §3 (RP).]

5-D. Workforce development. In addition to its other duties, the board shall perform the functions of the state board as specified in Section 101(d) in the Workforce Innovation and Opportunity Act.

A. [PL 2017, c. 110, §18 (RP).]

B. The board has the necessary authority to carry out the purposes of this section. [PL 2011, c. 627, §3 (AMD).]

C. The commissioner may appoint employees necessary to carry out the board's functions under this subsection. [PL 2017, c. 110, §18 (AMD).]

D. The commissioner may adopt routine technical rules, in accordance with Title 5, chapter 375, subchapter 2-A necessary to carry out the board's functions under this subsection. [PL 2017, c. 110, §18 (AMD).]
[PL 2017, c. 110, §18 (AMD).]

6. Powers. The board has the necessary authority to carry out the purposes of this section. [PL 2011, c. 627, §3 (AMD).]

7. Committee structure. The board has the following committee structure.

A. The board shall create 6 standing committees. The standing committees shall make recommendations to the full board. The 6 standing committees are as follows:

- (1) Younger workers;
- (2) Commission on Disability and Employment;
- (3) Women's employment issues;
- (4) Older workers;
- (5) Veterans employment; and
- (6) The Program Partners Committee. Organizations with representation on the Program Partners Committee may include, but are not limited to, organizations that conduct programs

or activities as specified in Section 121(b)(1)(B) of the Workforce Innovation and Opportunity Act. [PL 2017, c. 110, §19 (AMD).]

B. The board may create committees in addition to those in paragraph A to address specific problems and issues. These committees shall make recommendations to the full board. [PL 2013, c. 467, §7 (RPR).]

C. [PL 2013, c. 467, §7 (RP).]

D. The standing committees under paragraph A may receive and accept, from any source, allocations, appropriations, loans, grants and contributions of money or other things of value to be held, used or applied to carry out this section, subject to the conditions upon which the loans, grants and contributions may be made, including, but not limited to, appropriations, allocations, loans, grants or gifts from a private source, federal agency or governmental subdivision of the State or its agencies. [PL 2013, c. 467, §7 (NEW).]

[PL 2017, c. 110, §19 (AMD).]

8. Meetings. The board shall meet at such times and such places as it considers necessary. The meetings must be publicly announced and open to the general public. A majority of members of the board constitutes a quorum for the transaction of business.

[PL 2011, c. 627, §3 (AMD).]

9. Administration. The Department of Education and the Department of Labor shall jointly administer the board. The Department of Labor is the fiscal agent for the board. Pursuant to the Commissioner of Labor's authority under section 1401-B and to the Commissioner of Education's authority under Title 20-A, section 253, subsection 2, the Commissioner of Labor and the Commissioner of Education may designate employees they consider necessary to carry out the State's responsibility under this section.

The Commissioner of Education and the Commissioner of Labor are authorized to adopt joint rules as may be necessary to carry out the State's responsibility under this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

The board shall establish bylaws for its governance. These bylaws are subject to the Governor's approval.

[PL 2011, c. 627, §3 (AMD).]

10. Compensation. Members of the board receive no compensation for their services. Reimbursement of necessary expenditures incurred in the performance of their duties on the board, which are allowed by state law, are administered by the Department of Labor from federal or state appropriations.

[PL 2011, c. 627, §3 (AMD).]

SECTION HISTORY

PL 1997, c. 410, §12 (NEW). PL 1997, c. 410, §13 (AFF). PL 1997, c. 683, §§D7-10 (AMD). PL 1999, c. 6, §§1,2 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2003, c. 114, §§10-13 (AMD). PL 2003, c. 545, §§4,5 (REV). PL 2003, c. 689, §B6 (REV). PL 2009, c. 12, §§1, 2 (AMD). PL 2011, c. 491, §§9, 10 (AMD). PL 2011, c. 627, §3 (AMD). PL 2011, c. 655, Pt. EE, §18 (AMD). PL 2011, c. 655, Pt. EE, §30 (AFF). PL 2013, c. 424, Pt. A, §15 (AMD). PL 2013, c. 467, §§6, 7 (AMD). PL 2017, c. 110, §§14-19 (AMD). PL 2017, c. 259, §§1, 2 (AMD). PL 2019, c. 246, §§3-5 (AMD).

§2007. Funding

Funds received from the United States pursuant to the Workforce Innovation and Opportunity Act must be deposited in the Employment Services Activity program account within the Department of Labor. Funds must be deposited, administered and disbursed in the same manner and under the same

conditions and requirements as provided by law for other federal funds in the State Treasury in accordance with Title 2, section 4. The Governor shall make federal funds available to the local boards to be used to implement the Workforce Innovation and Opportunity Act within 30 days after the date the funds are made available to the Governor, in accordance with state procurement rules and the federal Cash Management Improvement Act of 1990. The commissioner shall ensure that management and use of the federal funds comply with the requirements of the Workforce Innovation and Opportunity Act. Federal funds in the account do not lapse but must be carried forward to be used to implement the Workforce Innovation and Opportunity Act. [PL 2019, c. 246, §6 (AMD).]

SECTION HISTORY

PL 2003, c. 114, §14 (NEW). PL 2017, c. 110, §20 (AMD). PL 2019, c. 246, §6 (AMD).

SUBCHAPTER 2

JOB TRAINING PROGRAM

§2011. Funds

(REPEALED)

SECTION HISTORY

PL 1987, c. 466, §3 (NEW). PL 1987, c. 775, §1 (AMD). PL 1995, c. 665, §DD4 (RP). PL 1995, c. 665, §DD12 (AFF).

§2012. Local plans

(REPEALED)

SECTION HISTORY

PL 1987, c. 466, §3 (NEW). PL 1987, c. 775, §2 (AMD). PL 1989, c. 532, §1 (AMD). PL 1995, c. 665, §DD4 (RP). PL 1995, c. 665, §DD12 (AFF).

§2013. Program activities

(REPEALED)

SECTION HISTORY

PL 1987, c. 466, §3 (NEW). PL 1987, c. 856, §8 (AMD). PL 1989, c. 532, §2 (AMD). PL 1993, c. 385, §23 (AMD). RR 1995, c. 1, §24 (COR). PL 1995, c. 665, §DD4 (RP). PL 1995, c. 665, §DD12 (AFF).

§2013-A. Appeal procedure

(REPEALED)

SECTION HISTORY

PL 1989, c. 532, §3 (NEW). PL 1995, c. 665, §DD4 (RP). PL 1995, c. 665, §DD12 (AFF).

§2014. Training and services

(REPEALED)

SECTION HISTORY

PL 1987, c. 466, §3 (NEW). PL 1995, c. 665, §DD4 (RP). PL 1995, c. 665, §DD12 (AFF).

§2015. Participant eligibility

(REPEALED)

SECTION HISTORY

PL 1987, c. 466, §3 (NEW). PL 1989, c. 532, §4 (AMD). PL 1995, c. 665, §DD4 (RP). PL 1995, c. 665, §DD12 (AFF).

§2015-A. Strategic Training for Accelerated Reemployment Program**(REPEALED)****SECTION HISTORY**

PL 1987, c. 775, §3 (NEW). PL 1987, c. 861, §§22,23 (AMD). PL 1989, c. 2 (AMD). PL 1989, c. 408, §§1,2 (AMD). PL 1989, c. 541, §§1-14 (AMD). PL 1989, c. 878, §§A74,75 (AMD). PL 1993, c. 630, §B11 (AMD). PL 1995, c. 665, §DD4 (RP). PL 1995, c. 665, §DD12 (AFF).

§2016. Employer eligibility**(REPEALED)****SECTION HISTORY**

PL 1987, c. 466, §3 (NEW). PL 1995, c. 665, §DD4 (RP). PL 1995, c. 665, §DD12 (AFF).

§2017. Annual report**(REPEALED)****SECTION HISTORY**

PL 1987, c. 466, §3 (NEW). PL 1989, c. 532, §§5,6 (AMD). PL 1995, c. 665, §DD4 (RP). PL 1995, c. 665, §DD12 (AFF).

SUBCHAPTER 3**NONTRADITIONAL OCCUPATION ACT****§2021. Short title**

This subchapter may be known and cited as the "Nontraditional Occupation Act." [PL 1991, c. 807, §2 (NEW).]

SECTION HISTORY

PL 1991, c. 807, §2 (NEW).

§2022. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1991, c. 807, §2 (NEW).]

1. Department. "Department" means the Department of Labor. [PL 1991, c. 807, §2 (NEW).]

2. Nontraditional occupation. "Nontraditional occupation" means:

A. For a female participant, an occupation in which 25% or less of the people in that occupation are females according to the United States Department of Labor; and [PL 1991, c. 807, §2 (NEW).]

B. For a male participant, an occupation in which 25% or less of the people in that occupation are males according to the United States Department of Labor. [PL 1991, c. 807, §2 (NEW).]
[PL 1991, c. 807, §2 (NEW).]

SECTION HISTORY

PL 1991, c. 807, §2 (NEW).

§2023. Department duties

Notwithstanding subchapters I and II, the department shall encourage pursuit of nontraditional occupations by: [PL 1991, c. 807, §2 (NEW).]

1. Support services. Providing necessary support services to participants, including but not limited to:

A. Payment for dependent care costs, as long as those costs do not exceed the prevailing regional rate for that care; [PL 1991, c. 807, §2 (NEW).]

B. Training materials such as books, tools and uniforms; and [PL 1991, c. 807, §2 (NEW).]

C. Travel payments according to the policies established by the service providers under the Workforce Innovation and Opportunity Act; [PL 2017, c. 110, §21 (AMD).]

[PL 2017, c. 110, §21 (AMD).]

2. Orientation program. Ensuring that the applicable orientation program includes nontraditional occupations and a means of assessing interest in nontraditional occupations; [PL 1991, c. 807, §2 (NEW).]

3. Ongoing support systems. Working with community organizations to develop ongoing support systems for participants who receive training in nontraditional occupations; [PL 1991, c. 807, §2 (NEW).]

4. Staff training. Training staff on nontraditional occupations issues including differences in the economic status of men and women; the social, personal and economic barriers encountered in training and job placement and on the job by individuals pursuing nontraditional occupations; methods for recruiting individuals for nontraditional occupations; and the need for continuing support for individuals in nontraditional occupations; and [PL 1991, c. 807, §2 (NEW).]

5. Rulemaking. Making rules in accordance with the Maine Administrative Procedure Act as necessary to establish procedures implementing this subchapter. [PL 1991, c. 807, §2 (NEW).]

SECTION HISTORY

PL 1991, c. 807, §2 (NEW). PL 2003, c. 114, §15 (AMD). PL 2017, c. 110, §21 (AMD).

§2024. Department goals

The Commissioner of Labor shall annually forward to the joint standing committee of the Legislature having jurisdiction over labor matters measurable goals showing continued reasonable progress that address enhancement of nontraditional training opportunities for citizens of the State. [PL 1991, c. 807, §2 (NEW).]

SECTION HISTORY

PL 1991, c. 807, §2 (NEW).

§2025. Report

(REPEALED)

SECTION HISTORY

PL 1991, c. 807, §2 (NEW). PL 2019, c. 343, Pt. VVV, §1 (RP).

SUBCHAPTER 4

GOVERNOR'S JOBS INITIATIVE PROGRAM

§2031. Governor's Jobs Initiative Program

1. Program established. The Governor's Jobs Initiative Program, referred to in this section as the "program," is established to encourage high-quality job creation and expansion by directly linking the education and training resources of this State to job opportunities. To the extent of available resources, the program develops and coordinates training for firms intending to expand or locate in this State, reorganize a workplace to remain competitive or upgrade worker skills by providing essential work competencies such as computer literacy, problem-solving strategies, critical thinking skills, math and science proficiency and team-building skills.

[PL 2011, c. 573, §2 (AMD).]

2. Administration. The program is administered jointly by the Department of Labor and the Department of Economic and Community Development under rules and operating procedures adopted by the Commissioner of Labor and the Commissioner of Economic and Community Development. Administrative costs are limited to 5% of program funds.

[PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

3. Interdepartmental review team. An application for funding under the program must be reviewed by an interdepartmental review team. The review team consists of 2 representatives from the Department of Labor, one of whom must be from the Center for Workforce Research and Information, and 2 representatives from the Department of Economic and Community Development.

[PL 2007, c. 126, §2 (AMD).]

4. Criteria for program funding. The following criteria must be demonstrated to the committee by an applicant at the time of application. An applicant shall:

A. Work with the Department of Labor to analyze the occupational skills of the unemployed work force in the designated labor market; [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

B. Provide a statement of commitment to long-term operation in this State; and [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

C. Comply with any other criteria that has been adopted by the Commissioner of Labor in accordance with the Maine Administrative Procedure Act. [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

[PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

5. Selection preference. Preference must be given to an applicant that substantiates one or more of the following at the time of application:

A. Formation of a local project partnership; [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

B. Employer willingness to leverage matching funds; [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

C. Investment in the lifelong learning and skills development of citizens of this State; [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

D. An increase in the local education and training capacity to support more than one employer that is caused by a proposed project; [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

E. Provision of high-wage or high-skill employment, employee benefits and job security; [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

F. Employer intention to expand or locate in economically depressed areas of this State; [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

G. Employer willingness to hire new labor force entrants, economically disadvantaged individuals, persons with disabilities or dislocated workers; or [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

H. Employer willingness to provide a registered apprenticeship for current employees or new hires. [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

[PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

6. Services. Services that may be funded by the program include, but are not limited to:

A. Recruitment; [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

B. Screening and assessment; [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

C. Workplace literacy; [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

D. Workplace safety; [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

E. Technical training; [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

F. On-the-job training; [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

G. Higher education; [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

H. Essential work competencies; [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

I. Job task analysis; [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

J. Coordination of employer consortia to access specialized training; [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

K. Technical assistance on work force capacity issues; [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

L. Technical assistance on worker training plans; [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

M. Small business training and technical assistance; and [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

N. Supportive services. [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

[PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

7. Program standards. The standards used by the Department of Labor and the Department of Economic and Community Development to evaluate the success of a project must include, but are not limited to:

A. The number of jobs created or retained in the project and participant demographics; [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

B. The cost per participant; [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

C. The average wage paid and benefits provided to participants at training completion; [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

D. The skills required by the participant to obtain jobs through the program; [PL 2011, c. 573, §2 (AMD).]

E. The number and percentage of participants who do not complete each program; and [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

F. The return on investment. [PL 1995, c. 665, Pt. DD, §5 (NEW); PL 1995, c. 665, Pt. DD, §12 (AFF).]

[PL 2011, c. 573, §2 (AMD).]

8. Eligibility for funding. Applicants eligible to receive funding from the program include, but are not limited to, employers, regional and local economic development agencies or partnerships, community-based organizations, job training service providers, registered apprenticeship service providers, local adult education providers and postsecondary education institutions.

An applicant that is not a business shall demonstrate, in partnership with a business or a consortium of businesses, the ability to link training services with actual job creation, expansion, upgrade or retention. Training provided under this section is considered approved training under the unemployment insurance laws and the laws regarding dislocated workers administered by the Department of Labor.

Training funds authorized under this section must be paid to the employer on a reimbursement basis. [PL 2009, c. 213, Pt. JJJ, §1 (AMD).]

9. Report. For any year in which the program is funded, the Commissioner of Labor and the Commissioner of Economic and Community Development shall provide to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs an annual report by March 1st of the next year, which must include, for each business assisted under this subchapter, the name and location of the business, the number of individuals trained or retrained, the dollar amount expended and, when applicable, the number of new jobs created.

[PL 2011, c. 573, §2 (AMD).]

10. Rules. Rules adopted pursuant to this subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2011, c. 573, §2 (AMD).]

11. Nonlapsing funds. Any unencumbered balance of General Fund appropriations remaining at the end of each fiscal year in this program may not lapse but must be carried forward to be used for the same purposes.

[PL 1999, c. 731, Pt. K, §2 (NEW).]

SECTION HISTORY

PL 1995, c. 665, §DD5 (NEW). PL 1995, c. 665, §DD12 (AFF). PL 1999, c. 731, §K2 (AMD). PL 2007, c. 126, §2 (AMD). PL 2007, c. 539, Pt. RRR, §1 (AMD). PL 2009, c. 213, Pt. JJJ, §1 (AMD). PL 2011, c. 573, §2 (AMD).

SUBCHAPTER 5

COMPETITIVE SKILLS SCHOLARSHIP PROGRAM

§2033. Competitive Skills Scholarship Program

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

A. "Department" means the Department of Labor. [PL 2007, c. 352, Pt. A, §3 (NEW).]

B. "Fund" means the Competitive Skills Scholarship Fund established in accordance with section 1166. Money in the fund may be used to pay for the operation, services and assistance provided through the Competitive Skills Scholarship Program as well as certain costs associated with the administration of the program. [PL 2007, c. 352, Pt. A, §3 (NEW).]

C. "Participant" means an eligible individual enrolled in the program. [PL 2007, c. 352, Pt. A, §3 (NEW).]

D. "Plan" means the individual career plan that must be provided to each eligible participant in accordance with subsection 8. [PL 2007, c. 352, Pt. A, §3 (NEW).]

E. "Program" means the Competitive Skills Scholarship Program established in subsection 2. [PL 2007, c. 352, Pt. A, §3 (NEW).]

[PL 2007, c. 352, Pt. A, §3 (NEW).]

2. Program established. The department shall establish and administer an employment training program known as the Competitive Skills Scholarship Program. The purpose of the program is to provide individuals with access to education, training and support leading to skilled, well-compensated jobs with anticipated high employment demand, to improve the economic well-being of the participants in the program and to provide employers with a skilled labor force in accordance with the provisions of this section.

The commissioner may expend funds through the department's career centers from the fund for the costs of education, training and support in accordance with subsection 6, for career counseling and for the administration of the program. Career counseling must include developing a plan and assisting a participant in accessing the support necessary for the participant to participate in the plan. The commissioner shall establish a limit on or a formula that limits the proportion of program funds that are expended on career counseling and for administration.

[PL 2015, c. 402, §1 (AMD).]

3. Notice. The department shall provide notice, including individual written notice, signs and other effective outreach methods, to inform people of the program and the education, training and support available from or through the program to individuals seeking work, education or training in the department's career centers.

[PL 2007, c. 352, Pt. A, §3 (NEW).]

4. Criteria for education and training approved under the program. Education or training for a participant must meet the criteria set out in this subsection.

A. The education or training provided through the program must be for employment in industries with significant demand for skilled labor that have been:

(1) Identified by the Center for Workforce Research and Information as providing opportunity for employment in jobs with high compensation;

(2) Recommended by the State Workforce Board; and

(3) Approved by the Governor or the Governor's designee. [PL 2017, c. 110, §22 (AMD).]

B. Education or training approved under this section must result in a postsecondary certificate, degree or similar credential that is universally recognized and accepted by the trade or industry in which the participant intends to seek employment and that is likely to provide opportunity for

employment in jobs that will provide substantial improvement in the participant's earnings and benefits. [PL 2007, c. 352, Pt. A, §3 (NEW).]
[PL 2017, c. 110, §22 (AMD).]

5. Eligibility criteria. Within the limits of available program resources, enrollment in the program must be granted if the individual applying for enrollment:

A. Is at least 18 years old or has graduated from high school; [PL 2019, c. 66, §2 (AMD).]

B. Does not have a marketable postsecondary degree; [PL 2007, c. 352, Pt. A, §3 (NEW).]

C. Has income less than 200% of the federal poverty level for the family size involved; [PL 2007, c. 352, Pt. A, §3 (NEW).]

D. Is applying for education or training for a job in an industry approved under subsection 4; and [PL 2007, c. 352, Pt. A, §3 (NEW).]

E. Has the aptitude to undertake and complete education or training as determined by the institution providing the education or training. [PL 2007, c. 352, Pt. A, §3 (NEW).]

[PL 2019, c. 66, §2 (AMD).]

5-A. Secondary student eligibility. Notwithstanding subsection 5, paragraph A, a full-time student at a public secondary school enrolled in a career and technical education program at a career and technical education center or a career and technical education region may be granted enrollment in the program if the student applies for enrollment and meets the requirements of subsection 5, paragraphs B, C, D and E. For the purpose of determining eligibility under subsection 5, paragraph C, "income" includes the income of the student's family as defined by department rule.

The commissioner may not expend, on an annualized basis, more than 15% of the annual revenue to the fund for tuition, other allowable costs and administration and case management for students enrolled in the program under this subsection and the costs for any of these students who continue to participate in the program after attaining 18 years of age.

[PL 2019, c. 66, §3 (AMD).]

6. Provision of education, training and support. Payment for education, training and support included in a participant's plan must be furnished promptly to, or on behalf of, a participant.

A. The program must provide to a participant, in accordance with rules adopted by the department, when education, training and support are not reasonably available from another recognized program and are necessary to carry out that participant's plan:

(1) Books, supplies, tools and equipment required by the participant's plan;

(2) Child care, transportation and other necessary support as determined by the department; and

(3) Assistance needed to obtain remedial or prerequisite education necessary for the participant to participate successfully in the program.

Money for mandatory fees or tuition may not be provided unless the participant is not eligible for necessary funds from other public grants or scholarships reasonably available to the participant for this purpose. [PL 2007, c. 352, Pt. A, §3 (NEW).]

B. The department shall establish by rule a maximum limit on the amount of assistance available to participants. This limit may be waived by the commissioner if the commissioner determines it is necessary, prudent and consistent with the goals of the program under the circumstances. [PL 2007, c. 352, Pt. A, §3 (NEW).]

[PL 2007, c. 352, Pt. A, §3 (NEW).]

7. Application; decision; appeal. An individual must be given the opportunity to make a written application for education, training and support available from the program and be given a prompt written decision from the department specifically indicating the type and amount of services approved or denied. Any decision related to eligibility for, or the provision of, services under this section must provide notice that the decision may be appealed by the individual through a request for a hearing within 30 days of receipt of the decision in accordance with rules adopted by the department and consistent with Title 5, chapter 375, subchapter 4. The 30-day appeal period may be extended up to 15 additional days if the claimant can show good cause for failing to appeal within the initial 30-day period. [PL 2007, c. 352, Pt. A, §3 (NEW).]

8. Individual career plan. This subsection governs the development of a plan for a participant.

A. When an individual's application for the program is approved, an individual career plan must be developed by the program with the eligible individual consistent with the provisions of this section and must reflect, to the maximum extent feasible, the preferences of the participant, within the confines of the goals associated with this subchapter. A plan may be modified when necessary to assist a participant to participate successfully in the program. The plan must include the education or training program approved, the degree or credential expected at program completion and the services and support to be provided under the plan. [PL 2007, c. 352, Pt. A, §3 (NEW).]

B. Prior to the establishment of a plan, a participant must be given:

- (1) A description of the program, including a list of services and supports available through the program and nontraditional employment opportunities, so that the participant may identify a suitable employment goal and the services needed to participate in the program;
- (2) The opportunity to learn about and examine relevant labor market information related to identified industries and the participant's employment preference;
- (3) If the participant's employment goal is an occupation for which an apprenticeship may be available, information about the department's apprenticeship program under chapter 33; and
- (4) Information about and assistance in applying for other services that will assist the participant in succeeding in the plan and prevent any unnecessary expenditure of resources by the program, including federal financial aid provided under the federal Higher Education Act of 1965, 20 United States Code, Chapter 28; the state and federal earned income tax credit; health care resources; unemployment compensation; dislocated worker benefits; trade adjustment assistance; and other services available from other departments of State Government including the Department of Health and Human Services. [PL 2007, c. 352, Pt. A, §3 (NEW).]

[PL 2007, c. 352, Pt. A, §3 (NEW).]

9. Rules. The commissioner shall adopt rules to implement the program in a manner that maximizes successful education and training opportunities for participants and to provide for its fair and efficient administration in accordance with this section. Rules adopted under this subsection are routine technical rules and must be adopted in accordance with Title 5, chapter 375, subchapter 2-A. [PL 2007, c. 352, Pt. A, §3 (NEW).]

10. Monitoring, evaluation and annual report. The department shall implement a comprehensive evaluation strategy that evaluates the fund, using both quantitative and qualitative data and including an analysis of the return on investment in the fund. The evaluation must consider, at a minimum, the following factors: the value of total compensation, including, but not limited to, health insurance and other benefits to those participating in training; the impact of the program on the Unemployment Compensation Fund; the impact on productivity and performance for employers; and the impact on meeting the demand for skilled workers in industries in this State. The evaluation must measure the impact of the program over time, including a longitudinal analysis that captures

productivity and other outcomes related to the program. The department must submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters by February 1st of each year on the status of the program and on the evaluation data collected and analyzed. The report also must include the formula or limit established by the commissioner pursuant to subsection 2 to limit the proportion of program funds expended on career counseling and administration and the amount of funds expended for these purposes.

[PL 2015, c. 402, §2 (AMD).]

11. Enrollment of eligible supplemental nutrition assistance program participants. The department shall enroll, to the maximum extent possible and when appropriate, participants in the federal supplemental nutrition assistance program administered by the State pursuant to Title 22, section 3104 who meet the eligibility criteria specified in subsection 5 and who are referred to the program pursuant to a memorandum of agreement entered into by the State with the Department of Health and Human Services as part of the individual's self-sufficiency plan under the federal supplemental nutrition assistance program administered by the State pursuant to Title 22, section 3104. Federal funds may not be used to supplant state funds used to provide education, training and support under this section to program participants enrolled pursuant to this subsection.

[PL 2013, c. 422, §2 (NEW).]

SECTION HISTORY

PL 2007, c. 352, Pt. A, §3 (NEW). PL 2007, c. 506, §2 (AMD). PL 2011, c. 627, §4 (AMD). PL 2013, c. 422, §§1, 2 (AMD). PL 2013, c. 502, Pt. O, §1 (AMD). PL 2015, c. 257, §1 (AMD). PL 2015, c. 402, §§1, 2 (AMD). PL 2017, c. 110, §22 (AMD). PL 2019, c. 66, §§2, 3 (AMD).

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