

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

—
S.P. 764 - L.D. 1956

An Act to Amend the Law Governing the Competitive Skills Scholarship Program and Establish the Community Workforce Connections Program

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

Sec. 1. 26 MRSA §1166, sub-§2, as enacted by PL 2007, c. 352, Pt. A, §1, is amended by amending the first blocked paragraph to read:

The money in the fund must be administered by the commissioner exclusively for the purposes of chapter 25, subchapter 5 and section 2066 and for the costs of administering the fund.

Sec. 2. 26 MRSA §2033, sub-§1, ¶A-2 is enacted to read:

A-2. "Cohort" means a group of students or participants who work through a curriculum or prescribed program together to achieve the same academic degree, certificate or similar credential together.

Sec. 3. 26 MRSA §2033, sub-§1, ¶B-1 is enacted to read:

B-1. "Marketable postsecondary degree" means an industry-recognized credential, vocational certificate or license, associate degree, bachelor's degree or a graduate certificate or degree. A degree is not considered a marketable postsecondary degree if:

- (1) The applicant can show that the postsecondary degree prepared the applicant for a specific occupation that the applicant is no longer able to perform due to physical or mental health limitations;
- (2) The postsecondary degree is not recognized by or equivalent to that which is required by the appropriate professional licensing body in this State; or
- (3) The applicant can show that the postsecondary degree does not enable the applicant to obtain employment in a labor market that meets the requirements of subsection 4, paragraph A.

Sec. 4. 26 MRSA §2033, sub-§5, ¶B, as enacted by PL 2007, c. 352, Pt. A, §3, is amended to read:

B. Does not have a marketable postsecondary degree that the individual can use to obtain employment in an industry that meets the requirements established in subsection 4;

Sec. 5. 26 MRSA §2033, sub-§5, ¶C, as enacted by PL 2007, c. 352, Pt. A, §3, is repealed and the following enacted in its place:

C. Has income of less than 275% of the federal poverty level for the family size involved or, at the time of application, the individual or a dependent living in the individual's household is receiving assistance from the Supplemental Nutrition Assistance Program; the MaineCare program; the Temporary Assistance for Needy Families program; the Reception and Placement or Refugee Cash Assistance programs under 8 United States Code, Section 1522; the federal supplemental security income program; or the fuel assistance program under Title 30-A, section 4991;

Sec. 6. 26 MRSA §2033, sub-§5-B is enacted to read:

5-B. Cohort-based programs, student eligibility. The commissioner shall adopt rules in accordance with this section to provide for the approval of cohort-based education or training programs and eligibility for individuals participating in those programs. Such programs must be targeted to serve low-income individuals and individuals who may face barriers to education or successful workforce participation, including, but not limited to, first-generation college students, formerly incarcerated individuals, individuals enrolled in needs-based government assistance programs, unemployed and underemployed individuals, persons with disabilities, immigrants and individuals with underrepresented genders and racial identities, for the purposes of increasing these individuals' economic security.

Notwithstanding subsection 5, an individual in a cohort approved by the commissioner pursuant to this subsection is eligible for all program services under this section for which all other eligible individuals would be qualified to receive in accordance with rules adopted pursuant to subsection 9.

Sec. 7. 26 MRSA §2033, sub-§6, ¶A, as amended by PL 2023, c. 184, §5, is further amended by amending the 2nd blocked paragraph to read:

Registered apprentices and individuals participating in a plan that includes a certified preapprenticeship training program approved pursuant to subsection 4 are eligible for services under this subsection, including those necessary to participate in any on-the-job learning component of the program, as long as the registered apprentices and individuals meet the requirement of subsection 5, paragraph C or are enrolled in a cohort approved by the commissioner pursuant to subsection 5-B.

Sec. 8. 26 MRSA §2033, sub-§7, as amended by PL 2023, c. 184, §6, is repealed and the following enacted in its place:

7. Application and decision. 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, within 30 days from the date that the individual's application is received by the department, specifically indicating the type and amount of services approved or denied, except that, at the request of the individual, the department shall extend the deadline by an additional 15 days for the purpose of providing additional information necessary to establish eligibility. If information needed from a 3rd

party necessary to determine eligibility is not available at the time of the deadline, this deadline may be extended until that information is available. The department shall provide guidance and assist the individual to the extent possible in promptly securing any 3rd-party information necessary to determine eligibility.

Services, including tuition, books, fees, stipends, child care and transportation, for which the applicant is determined eligible must be provided retroactively to the date of application or the date there is demonstrated need for services covered by the program and required for successful participation, whichever is later. Other services may be provided retroactively as determined by the department when necessary for the successful participation of an eligible individual.

The department may not deny eligibility to any applicant for lack of information necessary to verify eligibility unless it has first sought to access that information from any electronic or other resource reasonably available to the department. If needed information to complete the application is not available, the department shall contact the applicant at least 20 days following the applicant's date of application by the applicant's preferred method of communication to notify the applicant of any additional or missing information needed by the department and to provide additional guidance that the applicant can use to obtain information necessary to establish eligibility to the extent possible.

The costs for an educational transcript, credential evaluation or similar requirement needed to determine eligibility for the program must be paid for by the program for any applicant who is otherwise eligible for participation, as determined by the department, if funds are not reasonably available from another source for this purpose.

Sec. 9. 26 MRSA §2033, sub-§7-A is enacted to read:

7-A. Appeal. A written decision related to eligibility for, or the provision of, services under this section must provide notice that the decision may be appealed by an 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 individual can show good cause for failing to appeal within the initial 30-day period. If the individual files a written appeal within 10 days of a decision to terminate the participant from the program or terminate or reduce assistance being provided, the decision may not be implemented pending the outcome of the appeal process. If no appeal is filed, the decision becomes final.

The first step in the appeal process is reconsideration of the decision by a program manager. The program manager shall issue a written decision within 15 days of the filing of the appeal and may consider new evidence presented during the appeal process. The decision may reflect a resolution to the appeal or, if a resolution was not reached, it must reflect the program manager's decision.

If the program manager issues a written decision that is adverse to the individual, the department shall advise in that notice that the individual has a right to appeal the decision within 30 days of receiving the notice to an impartial hearing officer, who will make a new decision in accordance with Title 5, chapter 375, subchapter 4. The appeal period may be extended up to an additional 15 days for good cause.

A hearing officer shall render a decision within 30 days of the hearing request and may affirm, set aside, modify or remand the program manager's decision. A hearing decision

affirming, setting aside or modifying the program manager's decision pursuant to this subsection is final agency action and may be appealed to the Superior Court.

Sec. 10. 26 MRSA c. 26-A, sub-c. 2, headnote is amended to read:

SUBCHAPTER 2

PEER WORKFORCE NAVIGATOR PILOT COMMUNITY WORKFORCE CONNECTIONS PROGRAM

Sec. 11. 26 MRSA §2065, as enacted by PL 2021, c. 456, §37, is repealed.

Sec. 12. 26 MRSA §2066 is enacted to read:

§2066. Community Workforce Connections Program

1. Community Workforce Connections Program established. The Community Workforce Connections Program, referred to in this subchapter as "the program," is established. No later than January 1, 2026, the Commissioner of Labor, referred to in this subchapter as "the commissioner," shall implement the program statewide to offer meaningful peer support and workforce navigation to unemployed and underemployed workers via peer navigators employed by community-based organizations. The program must prioritize individuals from populations that may face significant barriers to employment as described in subsection 2, paragraph A and support successful access to Department of Labor resources and maintenance of sustainable employment to increase their economic security. The Department of Labor, referred to in this subchapter as "the department," shall issue a request for proposals in accordance with state procurement law to contract with qualified entities to operate the program under subsection 2. The program shall:

A. Provide culturally appropriate, person-centered and relationship-focused peer workforce navigation services that are based on a strengths-based case management model and performed by individuals with shared lived experience. The program shall advocate for, and provide sustained and reliable support to, individuals in their transitions to improved economic security through employment, including by providing education about program rules and community resources to facilitate informed self-advocacy and life planning;

B. Work with community organizations, known and trusted by individuals described in subsection 2, paragraph A, and through trusted peer navigators to proactively identify and engage with unemployed and underemployed individuals and provide them with the workforce navigation services under paragraph A and opportunities for education, training, employment and reemployment assistance;

C. Introduce and connect individuals to career centers operated by the department, its workforce partners and educational institutions and help the individuals, as needed, navigate employment services and education and training programs operated by these entities. The program shall help facilitate communication and trust building between the individuals and these entities, including providing help completing applications; assistance with complying with eligibility verification processes; and support for participant progress and persistence;

D. Provide timely, responsive, flexible and individualized support when necessary to help individuals meet basic needs so the individuals are more able to successfully engage with work-related support services and find and retain employment, which includes accessing support from both public and private sources, including support for transportation, utilities and child care;

E. Promote trusted and successful relationships between individuals and government agencies by furthering understanding of employment, education and training programs, public assistance programs and associated rules, regulations, responsibilities and rights, and any socioeconomic barriers to accessing these programs;

F. Conduct outreach to communities with disproportionately low enrollment in unemployment insurance and reemployment assistance. The program shall provide individual assistance, education and referrals for individuals applying for and making ongoing claims for unemployment compensation, including offering assistance connecting with department staff and coaching on self-advocacy for claimants experiencing barriers to services. The program shall inform individuals about provisions of law that may assist low-income and frequently unemployed individuals disproportionately, including the dislocated worker benefits program under section 1043, subsection 5, paragraph B and section 1191, subsection 4, paragraph A, partial unemployment benefits and reemployment services; and

G. Identify systemic issues creating barriers to successful employment or reemployment for individuals seeking jobs, including improvements to employment and training programs under chapter 25 and the unemployment compensation system under chapter 13, and work to reduce those barriers.

2. Qualified entities. To be eligible to receive a workforce navigation contract under this section, an entity must:

A. Demonstrate that it has existing, trusted relationships with individuals, groups and organizations from populations that may face significant barriers to employment, including immigrants; individuals with limited English proficiency; individuals without postsecondary training or college degrees; low-income and homeless individuals; individuals who have been out of the workforce for an extended period; individuals with low literacy, including digital literacy; individuals with substance use disorder; individuals facing gender-based discrimination; individuals with disabilities; indigenous and tribal populations; single-parent households; and low-income working families;

B. Have the capability to carry out the duties of this section, including knowledge of eligibility requirements and application processes related to education and training services, including apprenticeship and preapprenticeship programs, reemployment services, the unemployment compensation system under chapter 13 and other resources necessary to help populations that may face significant barriers to employment as described in paragraph A successfully participate in employment and increase their economic security;

C. Comply with existing confidentiality standards to ensure the privacy of all information collected from individuals receiving workforce navigation services; and

D. Provide services under this section without charge to the individuals receiving those services.

3. Commissioner's duties; award criteria; workforce navigation services. The commissioner shall establish standards for the awarding of contracts to qualified entities in accordance with this subsection.

A. The commissioner may award multiple contracts to perform one or more of the services described in this section.

B. To support the maintenance of relationships between qualified entities and populations that may face significant barriers to employment as described in subsection 2, paragraph A and to ensure a high quality of service, the commissioner shall award multi-year contracts to qualified entities as long as the qualified entities satisfy performance requirements set forth in the contracts.

C. The commissioner shall give priority for contracts to qualified entities that are a recognized source of support, expertise and community leadership for populations that may face significant barriers to employment as described in subsection 2, paragraph A, including racial and ethnic minorities, individuals with low literacy, individuals with disabilities and other low-income individuals with socioeconomic barriers to employment and education.

D. Workforce navigation services provided by qualified entities that receive workforce navigation contracts must be coordinated with and supplement, not supplant, services provided by the department.

E. All workforce navigation services provided under this subsection must be performed in a manner that is culturally and linguistically appropriate to the population served, including individuals with limited English proficiency, individuals with low literacy and individuals with disabilities, recognizing the varying levels of digital literacy and access to technology among individuals in need of services.

4. Funding. Of the Competitive Skills Scholarship Fund planned yield described in section 1166, at least 12% of the annual planned yield must be used for the program. Any funds not expended in the contract year by the contracted entity must be returned to the Competitive Skills Scholarship Fund, except that any funds for expenses that occurred in that contract year but were not yet paid in that year must remain available to the contracted entity. The department may also seek any available opportunities for funding as needed to support and enhance the workforce navigation services provided under this section.

Sec. 13. Financial report. The Commissioner of Labor shall submit to the Joint Standing Committee on Labor by November 1, 2026 a complete report on the financial activities of the Competitive Skills Scholarship Fund established in the Maine Revised Statutes, Title 26, section 1166, including an accounting of the fund's receipts and expenditures, assets and liabilities at the end of the fund's fiscal year. After reviewing the report, the joint standing committee of the Legislature having jurisdiction over labor matters may report out legislation to the 133rd Legislature in 2027.