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Date: (Filing No. H-)

LABOR AND HOUSING

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 991, L.D. 1539, “An Act to Promote a Diverse, More Experienced Construction Workforce and Ensure High-quality Careers by Increasing Registered Apprenticeship Programs”

Amend the bill by striking out the title and substituting the following:

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

Amend the bill by striking out everything after the enacting clause and inserting the following:

'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

COMMITTEE AMENDMENT

1 sponsor for an apprentice who has met all of the skill, knowledge and competency
2 requirements for that occupation;

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

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

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

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

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

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

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

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

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

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

23 A. Quality assurance assessments;

24 B. Equal employment opportunity compliance reviews; ~~and~~

25 C. Completion rates. The cancellation of an apprenticeship agreement during the
26 probationary period under section 3205, subsection 8 does not have an adverse impact
27 on an apprenticeship program's completion rate; ~~and~~

28 D. The total package value of a registered apprenticeship program.

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

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

32 A. Not in compliance with quality assurance assessments;

33 B. Experiencing low rates of retention or completion; or

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

36 The department shall adopt rules to implement this subsection. Rules adopted pursuant to
37 this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter
38 2-A.

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

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

4 A. A summary of performance data collected from program sponsors;

5 B. Best practices being used and areas for improvement, as determined by the
6 department; and

7 C. Steps taken by the department to ensure continuous improvement on key
8 performance metrics.

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

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

15 (1) The name and location of each sponsor;

16 (2) The number of apprentices registered into and completing apprenticeship; ~~and~~

17 (3) The return on investment;

18 (4) Data on wages and benefits for apprentices enrolled in apprenticeship programs
19 and for apprentices who complete an apprenticeship program;

20 (5) Actions taken by the council to ensure apprenticeships are leading to well-
21 paying jobs and careers; and

22 (6) The assessment required under section 3204, subsection 6.

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

24 **8. Monetary incentive program; historically underrepresented populations.** To
25 the extent that funding is available, the Maine Apprenticeship Council shall, in
26 coordination with the department, establish a financial incentive program for registered
27 apprenticeships to recruit historically underrepresented populations. No more than 50% of
28 the funds granted under this program may be allocated to the registered apprenticeship
29 sponsor, and the remaining 50% of the funds must be reserved for stipends for registered
30 apprentices who meet the criteria established under this program.

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

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

37 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
38 number to read consecutively.

SUMMARY

This amendment, which is the majority report of the committee, replaces the bill and changes the title. The amendment makes the following changes to the laws governing the Maine Apprenticeship Program.

1. It requires the standards of an apprenticeship program to include the dollar value of employer-paid health insurance and the dollar value of employer-paid retirement contribution benefits.

2. It requires the Maine Apprenticeship Program to consider the total package value as a factor in evaluating the performance of a registered apprenticeship program.

3. It directs the Department of Labor to identify and 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 graduates.

4. It requires the Department of Labor to perform an annual assessment of the Maine Apprenticeship Program beginning January 1, 2024.

5. It requires the Maine Apprenticeship Council to submit, as part of its annual report to the Governor and to the Legislature, data on wages and benefits, actions taken by the council to ensure apprenticeships are leading to well-paying jobs and careers and the annual assessment of the Maine Apprenticeship Program by the Department of Labor.

6. It specifies that the Maine Apprenticeship Council must establish a financial incentive program for registered apprenticeships to recruit historically underrepresented populations in all industries, to the extent that funding is available.

7. It requires the Department of Labor and the Maine Apprenticeship Council to establish criteria for funding all 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.

FISCAL NOTE REQUIRED

(See attached)