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Date: (Filing No. H- )

**LABOR AND HOUSING**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1464, L.D. 1969, “An Act Concerning Equity in Renewable Energy Projects and Workforce Development”

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

**Sec. 1. 26 MRSA §3201, sub-§11-A** is enacted to read:

**11-A. Historically marginalized community.** "Historically marginalized community" means a block group, as defined in Title 21-A, section 1202, subsection 2, or a geographic area of the State determined by rule by the department using best available existing data to have a high rate of poverty, unemployment or chronic unemployment as well as a high number of individuals with barriers to employment, including individuals who have been incarcerated or individuals from groups, such as women, indigenous people and people of color, that are traditionally underrepresented in an apprenticeable occupation.

**Sec. 2. 26 MRSA §3201, sub-§15-A** is enacted to read:

**15-A. Preapprentice.** "Preapprentice" means an individual enrolled in a preapprenticeship training program certified by the Maine Apprenticeship Program.

**Sec. 3. 26 MRSA §3201, sub-§15-B** is enacted to read:

**15-B. Preapprenticeship graduate.** "Preapprenticeship graduate" means an individual who successfully completed a certified preapprenticeship training program.

**Sec. 4. 26 MRSA §3201, sub-§15-C** is enacted to read:

**15-C. Preapprenticeship training program.** "Preapprenticeship training program" means a preapprenticeship training program certified under section 3213.

**Sec. 5. 26 MRSA §3209, sub-§4, ¶A,** as enacted by PL 2011, c. 491, §13, is amended to read:

A. Developing, approving and registering new apprenticeship programs and certifying preapprenticeship training programs;

**COMMITTEE AMENDMENT**

1           **Sec. 6. 26 MRSA §3209, sub-§4, ¶J**, as enacted by PL 2011, c. 491, §13, is  
2 amended to read:

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

7                   (1) The name and location of each sponsor of a registered apprenticeship program  
8 or a preapprenticeship training program;

9                   (2) The number of apprentices or preapprentices registered into and completing a  
10 registered apprenticeship program or a preapprenticeship training program; and

11                   (3) The return on investment of a registered apprenticeship program or a  
12 preapprenticeship training program.

13           **Sec. 7. 26 MRSA §3213** is enacted to read:

14 **§3213. Preapprenticeship training program**

15           A preapprenticeship training program must conform to the provisions of this section to  
16 be eligible for certification by the Maine Apprenticeship Program, which shall oversee and  
17 support preapprenticeship training programs as set out in this section.

18           **1. Application; eligibility.** A sponsor may apply with the Maine Apprenticeship  
19 Program for review and certification of a preapprenticeship training program. To be eligible  
20 for certification, the preapprenticeship training program must meet the requirements of this  
21 section, must involve instruction and training in preparation for an apprenticeable  
22 occupation and must comply with state and federal law regarding equal employment  
23 opportunity in apprenticeship and training.

24           **2. Requirements of preapprenticeship training program.** To be eligible for  
25 certification, a preapprenticeship training program must include an educational program  
26 that includes both industry-based and job-related classroom instruction and that:

27                   A. Is designed to prepare individuals to enter into and succeed in a registered  
28 apprenticeship program;

29                   B. Has a demonstrated commitment to inclusion of individuals from an historically  
30 marginalized community; and

31                   C. Has a documented partnership with at least one registered apprenticeship program.  
32 The documented partnership with a sponsor of a registered apprenticeship program  
33 must include, at a minimum, 2 of the following characteristics:

34                           (1) Mentored and paid work experience;

35                           (2) A guaranteed apprenticeship employment interview for a preapprenticeship  
36 graduate;

37                           (3) Advanced placement in a registered apprenticeship program, either in  
38 classroom training or on-the-job learning, for a preapprenticeship graduate who is  
39 hired; or

40                           (4) Job shadow experience for preapprentices.

1           **3. Age.** Preapprentices must be at least 16 years of age, except when a higher minimum  
2 age standard is otherwise fixed by law or the registered apprenticeship program sponsor.

3           **4. Curriculum.** To be eligible for certification, a preapprenticeship training program  
4 must have organized, written standards containing:

5           A. A description of the instruction and training of preapprentices that aligns with  
6 industry skills and workplace expectations to prepare preapprentices with the  
7 education, training, competencies and awareness they need to enter registered  
8 apprenticeship programs, including, but not limited to:

9                   (1) Listening and communication skills;

10                   (2) Workplace safety training;

11                   (3) Job preparedness training, including workplace soft skills training;

12                   (4) Physical, technical and workplace skills; and

13                   (5) Resume and job interview preparation;

14           B. A description of how success in the preapprenticeship training program will be  
15 measured;

16           C. Provision for at least 120 hours of instruction and training; and

17           D. A description of what advanced placement or facilitated entry into a registered  
18 apprenticeship program will be provided to preapprenticeship graduates applying for  
19 or accepted into a registered apprenticeship program, including the number of  
20 classroom hours or on-the-job learning hours credited to preapprenticeship graduates  
21 upon registration as apprentices.

22           **5. Equity, inclusion and accessibility.** A certified preapprenticeship training program  
23 must provide services whenever possible to enable participation by individuals from  
24 historically marginalized communities, such as assistance with transportation, child care,  
25 probation officer advocacy, English as a new language and the cost of materials and  
26 supplies. A certified preapprenticeship training program must maintain an affirmative  
27 action program in compliance with 29 Code of Federal Regulations, Section 30.1 et seq.

28           **6. Stipend.** A certified preapprenticeship training program must provide a meaningful  
29 stipend for each day of instruction that enables individuals from historically marginalized  
30 communities to participate in the program. This subsection does not apply to individuals  
31 enrolled in a preapprenticeship training program that is part of a secondary education  
32 program or to individuals for whom the law does not allow payment. A certified  
33 preapprenticeship training program must ensure that, if training includes on-the-job work  
34 experience, preapprentices are paid at least the minimum wage rate under chapter 7,  
35 subchapter 3.

36           **7. Review; certification.** The Maine Apprenticeship Program shall review an  
37 application for certification of a preapprenticeship training program. A preapprenticeship  
38 training program that meets the standards for certification must be given provisional  
39 certification for a period of one year. The Maine Apprenticeship Program shall review a  
40 preapprenticeship training program for quality and conformity with the requirements of  
41 this section at the end of the first year after certification. A program that conforms to the

1 requirements may have its certification made permanent or may continue to be  
2 provisionally certified through the first full training cycle.

3 **8. Evaluation.** The Maine Apprenticeship Program shall evaluate the performance of  
4 a certified preapprenticeship training program. The tools and factors to be used must  
5 include, but are not limited to:

6 A. Quality assurance assessments;

7 B. Equal employment opportunity compliance reviews;

8 C. Efforts to achieve equity goals for recruitment and training of preapprentices from  
9 historically marginalized communities;

10 D. Completion rates; and

11 E. Rates of enrollment in and successful completion of registered apprenticeship  
12 programs.

13 **9. Investment system.** The Maine Apprenticeship Program shall partner with the  
14 Maine Workforce Investment System under chapter 33 to use preapprenticeship graduates  
15 as a key element of a talent development approach that serves both workforce investment  
16 system participants and industry in the State.

17 **10. Funding.** The Maine Apprenticeship Program, through the department, shall seek  
18 available workforce development funds to support programs under this section. As funding  
19 permits, the Maine Apprenticeship Program shall provide preapprenticeship training grants  
20 to those certified preapprenticeship training programs that provide meaningful financial  
21 assistance to their participants to support the cost of participation, including, for example,  
22 supplies and materials, industry-based certifications, lost wages, transportation or child  
23 care. The Maine Apprenticeship Program shall determine awards to certified  
24 preapprenticeship training programs based on documented participant need, the provision  
25 of services under subsection 5 and the program's efforts to recruit and enroll participants  
26 from historically marginalized communities. Priority must be given to those certified  
27 preapprenticeship training programs demonstrating that a significant number of their  
28 participants have successfully completed the certified preapprenticeship training program  
29 and are subsequently enrolled in registered apprenticeship programs. The department,  
30 through the Maine Apprenticeship Program, shall implement, monitor and enforce the  
31 requirements of this subsection using existing resources.

32 **11. Rulemaking.** The department shall adopt routine technical rules as defined in  
33 Title 5, chapter 375, subchapter 2-A to implement the provisions of this section.

34 **Sec. 8. 26 MRSA c. 47** is enacted to read:

35 **CHAPTER 47**

36 **EQUITY IN RENEWABLE ENERGY PROJECTS AND WORKFORCE**  
37 **DEVELOPMENT**

38 **§3701. Equity in renewable energy projects**

39 **1. Definitions.** As used in this chapter, unless the context otherwise indicates, the  
40 following terms have the following meanings.

1           A. "Agency of the State" includes, but is not limited to, the Efficiency Maine Trust as  
2           established in Title 35-A, chapter 97 and the Public Utilities Commission as established  
3           in Title 35-A, Part 1.

4           B. "Assisted project" means a construction project for which requests for bids or  
5           proposals are initiated after August 1, 2022, including requests for bids or proposals  
6           that supplement a process started on or before August 1, 2022:

7                   (1) With a nameplate capacity of 2 megawatts or more that involves a renewable  
8                   energy project or a project for the production of energy, including all phases of site  
9                   preparation, construction, retrofitting and demolition work; and

10                   (2) For which the State or an agency of the State provides certifications that entitle  
11                   the generator to renewable energy credits or provides other economic assistance,  
12                   including, but not limited to, payments pursuant to power purchase agreements,  
13                   rebates, grants, loans, commitments of funds or other assistance.

14           C. "Commissioner" means the Commissioner of Labor.

15           D. "Facilitated entry agreement" means an agreement between a registered  
16           apprenticeship program and a certified preapprenticeship training program that enables  
17           individuals who have successfully completed the certified preapprenticeship training  
18           program to enter directly into the registered apprenticeship program.

19           E. "Preapprenticeship training program" means a preapprenticeship training program  
20           certified under section 3213.

21           F. "Registered apprenticeship program" means an apprenticeship program that:

22                   (1) Is registered with and approved by the United States Department of Labor or  
23                   the Maine Apprenticeship Program under section 3202; and

24                   (2) Actively trains employees, uses functioning training facilities and is regularly  
25                   graduating apprentices to journeyman status.

26           G. "Renewable energy project" means a project to construct a source of electrical  
27           generation that relies on one or more of the following:

28                   (1) Fuel cells;

29                   (2) Tidal power;

30                   (3) Solar arrays and installations;

31                   (4) Wind power installations;

32                   (5) Geothermal installations;

33                   (6) Hydroelectric generators;

34                   (7) Biomass generators that are fueled by wood or wood waste, landfill gas or  
35                   anaerobic digestion of agricultural products, by-products or wastes; or

36                   (8) Generators fueled by municipal solid waste in conjunction with recycling.

37           **2. Labor and project performance standards.** The following requirements apply to  
38           an assisted project.

39           A. Beginning January 1, 2024, a contractor or subcontractor working on an assisted  
40           project shall pay all construction workers working on the assisted project no less than

1           the prevailing rate for wages and benefits, as determined by the Bureau of Labor  
2           Standards, except that a worker may be hired at the rate recognized for apprentices  
3           working in the pertinent classification if:

4                   (1) The worker is a participant in a registered apprenticeship program;

5                   (2) The registered apprenticeship program from which the apprentice is hired  
6                   maintains a facilitated entry agreement with a certified preapprenticeship training  
7                   program; and

8                   (3) The registered apprenticeship program from which the apprentice is hired has  
9                   been registered for at least one year and provides a minimum of 3,000 hours of on-  
10                  the-job learning and 216 hours of related instruction.

11           B. An entity responsible for an assisted project shall take reasonable steps to ensure  
12           that all contractors and subcontractors working on the assisted project meet the  
13           requirements of this subsection. The contractor or subcontractor shall provide proof  
14           within 7 days of a request from the Department of Labor that any apprenticeship  
15           program used for the project meets all the requirements of a registered apprenticeship  
16           program.

17           C. The requirements of this subsection do not apply if the entity responsible for the  
18           assisted project has entered into or has ensured that the entity directly responsible for  
19           the construction of the assisted project has entered into a project labor agreement  
20           consistent with the requirements of Title 35-A, section 3210-G, subsection 1, paragraph  
21           C, subparagraph (2), division (h).

22           For purposes of this subsection, "entity responsible" includes any recipient of assistance  
23           for the assisted project and any corporations, joint ventures, partnerships or other persons  
24           and their successors or assigns that hire contractors or construction managers to perform  
25           work on the assisted project.

26           **3. Recordkeeping and reporting.** The entity receiving economic assistance for an  
27           assisted project shall ensure that all contractors and subcontractors keep wage records in  
28           accordance with section 1311. Reporting for entities on assisted projects must be in  
29           accordance with section 1311. The agency of the State providing the economic assistance  
30           to the assisted project must be treated as the public authority letting the contract for the  
31           purposes of reporting under section 1311.

32           **4. Enforcement, penalties and sanctions.** When the Department of Labor notifies  
33           the agency of the State providing economic assistance to the entity responsible for an  
34           assisted project that there has been a violation of chapter 15, the entity is subject to  
35           enforcement and penalties for a violation in accordance with section 1312. Failure of an  
36           entity that receives economic assistance for an assisted project to comply with chapter 15  
37           constitutes a material breach of the agreement, grant, loan, commitment of funds or other  
38           instrument pursuant to which economic assistance is provided. Upon finding a violation of  
39           chapter 15, the relevant agency of the State may impose any available and appropriate  
40           penalties for that breach, including, but not limited to, fines, penalties authorized under  
41           Title 35-A, section 1508-A, an end to the assistance and recoupment of all or part of any  
42           assistance already provided for the assisted project or directing that, in order for the entity  
43           to receive continued assistance, the entity meet the requirements of chapter 15 and pay

1 remedial compensation to any employees who were not paid at least the prevailing rate for  
2 wages and benefits.

3 **5. Application.** This section does not apply to a project:

4 A. For which the Public Utilities Commission approved a term sheet or contract or  
5 otherwise provided project-specific authorization or approval pursuant to Title 35-A  
6 on or before June 29, 2021; or

7 B. That is participating in net energy billing and that meets the requirements of Title  
8 35-A, section 3209-A, subsection 7 or Title 35-A, section 3209-B.

9 **6. Powers of the commissioner.** The commissioner shall implement and administer  
10 this chapter and may adopt rules consistent with the requirements of this chapter. Rules  
11 adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter  
12 375, subchapter 2-A.

13 **Sec. 9. 35-A MRSA §3209-A, sub-§7,** as enacted by PL 2021, c. 370, §1 and  
14 reallocated by RR 2021, c. 1, Pt. A, §37, is reallocated to 35-A MRSA §3209-A, sub-§8.

15 **Sec. 10. 35-A MRSA §3210-G, sub-§1,** as enacted by PL 2019, c. 477, §2, is  
16 amended to read:

17 **1. Competitive procurement.** The commission shall conduct 2 competitive  
18 solicitations in order to select Class IA resources for contracts under this section.

19 A. Through competitive solicitations under this section, the commission shall procure  
20 an amount of energy or renewable energy credits from Class IA resources that is equal  
21 to 14% of retail electricity sales in this State for the period from January 1, 2018 to  
22 December 31, 2018, as determined by the commission.

23 (1) The commission shall initiate a first competitive solicitation and ensure that  
24 solicitation results in the approval of contracts by December 31, 2020 for energy  
25 or renewable energy credits equal to at least 7% of retail electricity sales for the  
26 period from January 1, 2018 to December 31, 2018, as determined by the  
27 commission. If the commission determines that contracts for an amount greater  
28 than 7% of retail electricity sales will provide financial benefits to ratepayers, it  
29 may approve contracts by December 31, 2020 for up to 10% of retail electricity  
30 sales.

31 (2) No later than January 15, 2021, the commission shall initiate a 2nd competitive  
32 solicitation for an amount of energy or renewable energy credits equal to the  
33 difference between 14% of retail electricity sales and the amount approved in  
34 contracts by December 31, 2020.

35 B. To the extent sufficient resources are available, 75% of the energy or renewable  
36 energy credits contracted under this section must come from Class IA resources that  
37 begin commercial operations after June 30, 2019 and 25% must come from Class IA  
38 resources that began commercial operations on or prior to June 30, 2019.

39 C. In conducting a solicitation and selecting Class IA resources for contracts under  
40 this section, the commission shall weigh the benefits to ratepayers and the benefits to  
41 the State's economy as follows:

42 (1) A weight of 70% must be given to the benefits to ratepayers; and

1 (2) A weight of 30% must be given to benefits to the economy, which may include,  
2 but are not limited to:

3 (a) Capital investments by the Class IA resource to improve long-term  
4 viability of an existing facility;

5 (b) Payments by the Class IA resource for the harvest of wood fuel;

6 (c) Employment resulting from the Class IA resource;

7 (d) Payments by the Class IA resource to a host community, whether or not  
8 required by law or rule;

9 (e) Excise, income, property and sales taxes paid by the Class IA resource;

10 (f) Purchases of goods and services by the Class IA resource; and

11 (g) Avoided emissions resulting from the operation of the Class IA resource;

12 (h) For an assisted project, with respect to requests for bids or proposals  
13 initiated by the commission pursuant to this section for energy or renewable  
14 energy credits after August 1, 2022 or requests for bids or proposals that  
15 supplement a process started on or before August 1, 2022, whether the Class  
16 IA resource has entered into a project labor agreement with a labor  
17 organization to supply construction workers in all areas needed for the assisted  
18 project where the assisted project is located. For purposes of this division, a  
19 project labor agreement must contain provisions that:

20 (i) Bind all contractors and subcontractors on the assisted project to the  
21 project labor agreement through the inclusion of appropriate specifications  
22 in all relevant solicitation provisions and contract documents;

23 (ii) Allow all contractors and subcontractors to compete for contracts and  
24 subcontracts on the assisted project without regard to whether they are  
25 otherwise parties to collective bargaining agreements;

26 (iii) Establish uniform terms and conditions of employment for all craft  
27 workers employed on the assisted project;

28 (iv) Contain guarantees against strikes, lockouts and similar job  
29 disruptions; and

30 (v) Set forth effective, prompt and mutually binding procedures for  
31 resolving labor disputes arising during the term of the project labor  
32 agreement; and

33 (i) Whether an entity is employee-owned, including but not limited to an entity  
34 that offers employee stock ownership plans or is structured as a worker  
35 cooperative.

36 For the purposes of this subparagraph, "labor organization" means an organization  
37 that is not a company union and that is constituted for the purpose, in whole or in  
38 part, of engaging in collective bargaining, dealing with employers concerning  
39 employee grievances or terms or conditions of employment or providing other  
40 employee aid or protection. "Labor organization" includes, but is not limited to, a  
41 bona fide labor organization that is certified or recognized as the organization of  
42 jurisdiction representing the relevant workers and a bona fide building and



1           construction trades council or district council or state or local labor federation  
2           composed of local unions certified or recognized as the representative of the  
3           relevant workers. For the purposes of this subparagraph, "assisted project" has the  
4           same meaning as in Title 26, section 3701, subsection 1, paragraph B. For purposes  
5           of this subparagraph, "craft worker" has the same meaning as in Title 26, section  
6           1304, subsection 3-A.

7           D. The commission shall, in accordance with this paragraph, allow energy storage  
8           systems to participate in solicitations or be awarded contracts under this section.

9           (1) The commission shall permit an energy storage system to bid on solicitations  
10           or to be contracted under this section only if the energy storage system is connected  
11           to the State's electricity grid, paired as a complementary resource with a Class IA  
12           resource and either:

13                   (a) Colocated with the Class IA resource, whether metered jointly with or  
14                   separately from the Class IA resource; or

15                   (b) Located at a different location from the Class IA resource and the  
16                   commission finds that inclusion of the energy storage system would result in a  
17                   reduction in greenhouse gas emissions.

18           (2) A bid under this section that includes an energy storage system must include 2  
19           separate bid proposals, one with the energy storage system and one without. The  
20           commission shall assess the bid proposals based on the benefits to ratepayers,  
21           which may include, but are not limited to:

22                   (a) Reduction in costs;

23                   (b) Decrease in peak electricity demand;

24                   (c) Deferral of investments in the transmission and distribution system;

25                   (d) Deferral of capital investments in new generating capacity;

26                   (e) Increase in the electricity grid's overall flexibility, reliability and resiliency;  
27                   and

28                   (f) Reduction in greenhouse gas emissions.

29           (3) An energy storage system that is not colocated with a Class IA resource may  
30           receive renewable energy credits only for stored energy generated from a Class IA  
31           resource.

32           (4) If chosen for a contract under this section, an energy storage system must  
33           remain stationary and under the same ownership throughout the contract term.

34           (5) The commission may permit an energy storage system to be paired with and  
35           added to a Class IA resource after that resource has been awarded a contract.

36           For the purposes of this paragraph, "energy storage system" means a commercially  
37           available technology that uses mechanical, chemical or thermal processes for absorbing  
38           energy and storing it for a period of time for use at a later time.'

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

**SUMMARY**

This amendment is the majority report of the committee. The amendment does the following.

1. It sets standards for certification and evaluation of preapprenticeship training programs by the Maine Apprenticeship Program, as well as minimum curriculum requirements. The amendment focuses on equity, inclusion and access to certified preapprenticeship training programs, requiring them to provide certain services to ensure participation by individuals from historically marginalized communities and to implement affirmative action programs. It requires the payment of a meaningful stipend to participants and prioritizes state grants to those program sponsors that provide services that reduce barriers to entry for traditionally underrepresented groups and demonstrate that a significant number of their participants subsequently enrolled in registered apprenticeship programs.

2. It requires that the annual report from the Maine Apprenticeship Council include preapprenticeship data relating to the preapprenticeship training programs.

3. It requires projects involving the construction of renewable energy generating systems that are at least 2 megawatts in size and that receive state assistance to meet certain workforce requirements. It defines such projects as "assisted projects." Specifically, contractors and subcontractors working on an assisted project are required to pay construction workers at least the prevailing rate for wages and benefits, except that they may pay the apprentice rate to apprentices on the project if those apprentices participate in a registered apprenticeship program that is regularly graduating apprentices to journeyman status and the program has a facilitated entry agreement with a certified preapprenticeship training program. This requirement does not apply, however, if the entity responsible for the project or the entity directly responsible for the construction of the project has entered into a project labor agreement that meets certain requirements.

4. The amendment specifies that, after August 1, 2022, if the Public Utilities Commission engages in additional procurement of energy or renewable energy credits pursuant to the Maine Revised Statutes, Title 35-A, section 3210-G, the commission, in determining benefits to the State's economy, is required to consider whether the Class IA resource has secured a project labor agreement with a labor organization to supply construction workers in all areas needed for the assisted project where the assisted project is located. It specifies that it also includes requests for bids or proposals that supplement a process started on or before the effective date of this legislation. The bill established January 1, 2023 as the beginning date for this requirement.

5. It directs the Public Utilities Commission, in conducting a solicitation and selecting Class IA resources for contracts pursuant to statutory provisions governing renewable portfolio standard procurement, to consider whether an entity is employee-owned, including but not limited to an entity that offers employee stock ownership plans.

6. The amendment also corrects a conflict created by Public Law 2021, chapter 390 and Revisor's Report 2021, chapter 1, which affected the same provision of law, by reallocating the provision reallocated by Revisor's Report 2021, chapter 1.

**FISCAL NOTE REQUIRED**

**(See attached)**