

**§3201. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2011, c. 491, §13 (NEW).]

**1. Apprentice.** "Apprentice" means a person who is at least 16 years of age, except when a higher minimum age standard of 18 years of age is otherwise fixed by law or a sponsor, who is employed to learn an apprenticeable occupation that is approved by the department and who is registered with the Maine Apprenticeship Program.

[PL 2011, c. 491, §13 (NEW).]

**2. Apprenticeable occupation.** "Apprenticeable occupation" means an occupation that is specified by industry and that:

A. Involves skills that are customarily learned in a practical way through a structured, systematic program of on-the-job supervised learning; [PL 2011, c. 491, §13 (NEW).]

B. Is clearly identified and commonly recognized throughout an industry; [PL 2011, c. 491, §13 (NEW).]

C. Involves manual, mechanical or technical skills and knowledge that, in accordance with the industry standard for the occupation, require the completion of at least 2,000 hours of on-the-job learning to attain; and [PL 2011, c. 491, §13 (NEW).]

D. Requires related instruction. [PL 2011, c. 491, §13 (NEW).]

[PL 2011, c. 491, §13 (NEW).]

**3. Apprenticeship agreement.** "Apprenticeship agreement" means a written agreement between an apprentice and a sponsor or employer that contains the terms and conditions of the employment and training of the apprentice.

[PL 2011, c. 491, §13 (NEW).]

**4. Apprenticeship committee.** "Apprenticeship committee" means those persons designated by a sponsor to administer an apprenticeship program. An apprenticeship committee may be either a joint committee or a nonjoint committee, as follows.

A. A joint committee is composed of an equal number of representatives of the employer and representatives of the employees who are represented by a bona fide collective bargaining agent. [PL 2011, c. 491, §13 (NEW).]

B. A nonjoint committee is composed of employer representatives and may include employees but does not have a bona fide collective bargaining agent as a participant. [PL 2011, c. 491, §13 (NEW).]

[PL 2011, c. 491, §13 (NEW).]

**5. Apprenticeship program.** "Apprenticeship program" means a plan containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, including such matters as the requirement for an apprenticeship agreement, a schedule of work experience outlining the skills to be learned on the job, a schedule of related instruction courses necessary to supplement the on-the-job learning and a schedule of progressively increasing wages to be paid to an apprentice consistent with the skill proficiencies achieved and leading toward a journeyman wage rate.

[PL 2011, c. 491, §13 (NEW).]

**6. Competency.** "Competency" means the attainment of manual, mechanical or technical skills and knowledge, as specified by an occupational standard and demonstrated by an appropriate written and hands-on proficiency measurement.

[PL 2011, c. 491, §13 (NEW).]

**7. Completion rate.** "Completion rate" means the percentage of an apprenticeship cohort that receives a certificate of completion of apprenticeship within one year of the projected completion date. As used in this subsection, "apprenticeship cohort" means the group of apprentices registered to a specific apprenticeship program during a one-year time frame, except that "apprenticeship cohort" does not include the apprentices whose apprenticeship agreement has been cancelled during the probationary period as described in section 3205, subsection 8.

[PL 2011, c. 491, §13 (NEW).]

**8. Department.** "Department" means the Department of Labor.

[PL 2011, c. 491, §13 (NEW).]

**9. Electronic media.** "Electronic media" means media that use electronics or electromechanical energy for the end user to access content and includes, but is not limited to, electronic storage media, transmission media, the Internet, extranet, lease lines, dial-up lines, private networks and the physical movement of removable or transportable electronic media and interactive distance learning.

[PL 2011, c. 491, §13 (NEW).]

**10. Employer.** "Employer" means a person or organization employing an apprentice, whether or not the person or organization is a party to an apprenticeship agreement with the apprentice.

[PL 2011, c. 491, §13 (NEW).]

**11. Federal purposes.** "Federal purposes" includes any federal contract, grant, agreement or arrangement dealing with apprenticeship and any federal financial or other assistance, benefit, privilege, contribution, allowance, exemption, preference or right pertaining to apprenticeship.

[PL 2011, c. 491, §13 (NEW).]

**12. Interim credential.** "Interim credential" means a credential issued by the department to document attainment of certain benchmarks toward completion of an apprenticeship.

[PL 2011, c. 491, §13 (NEW).]

**13. Journeyman.** "Journeyman" means a worker who has attained a level of skills, abilities and competencies recognized within an industry as the skills, abilities and competencies required for an occupation. "Journeyman" includes a mentor, technician, specialist or other skilled worker who has documented sufficient skills and knowledge of an occupation, either through formal apprenticeship or through practical on-the-job experience and formal training, as determined by the sponsor.

[PL 2011, c. 491, §13 (NEW).]

**14. Maine Apprenticeship Council.** "Maine Apprenticeship Council" means the Maine Apprenticeship Council under section 3209.

[PL 2011, c. 491, §13 (NEW).]

**15. Maine Apprenticeship Program.** "Maine Apprenticeship Program" means the Maine Apprenticeship Program established in section 3202.

[PL 2011, c. 491, §13 (NEW).]

**15-A. Preapprenticeship training program.** "Preapprenticeship training program" means a program that:

A. Is designed to prepare individuals to enter and succeed in a registered apprenticeship program; and [PL 2021, c. 705, §10 (NEW).]

B. Has a documented partnership agreement that includes arrangements for facilitated entry of graduates of the preapprenticeship training program with at least one registered apprenticeship program. [PL 2021, c. 705, §10 (NEW).]

[PL 2021, c. 705, §10 (NEW).]

**16. Provisional registration.** "Provisional registration" means the one-year initial provisional registration of newly registered apprenticeship programs under section 3202, subsection 5.

[PL 2011, c. 491, §13 (NEW).]

**17. Quality assurance assessment.** "Quality assurance assessment" means a comprehensive review conducted by the department regarding all aspects of an apprenticeship program's performance, including but not limited to determining if apprentices are receiving on-the-job learning in all phases of the apprenticeable occupation, scheduled wage increases consistent with the standards of the program submitted under section 3203 and related instruction through appropriate curricula and delivery systems and determining if the apprenticeship program has provided to the registration agency notification of all new registrations, transfers, suspensions, cancellations and completions as required in this chapter.

[PL 2011, c. 491, §13 (NEW).]

**18. Registration.** "Registration" means registration with the Maine Apprenticeship Program under section 3202.

[PL 2011, c. 491, §13 (NEW).]

**19. Registration agency.** "Registration agency" means the state apprenticeship agency, which is responsible for registering apprenticeship programs and apprentices, providing technical assistance and conducting compliance and quality assurance assessments.

[PL 2011, c. 491, §13 (NEW).]

**20. Related instruction.** "Related instruction" means an organized and systematic form of instruction designed to provide an apprentice with the knowledge of the theoretical and technical subjects related to the apprentice's occupation and given in a classroom, through occupational or industrial courses or by correspondence courses of equivalent value, electronic media or other forms of self-study approved by the department.

[PL 2011, c. 491, §13 (NEW).]

**21. Sponsor.** "Sponsor" means a person, association, apprenticeship committee or organization operating an apprenticeship program and in whose name the apprenticeship program is or is to be registered or approved.

[PL 2011, c. 491, §13 (NEW).]

**22. State apprenticeship agency.** "State apprenticeship agency" means the department, which is the state government agency that has responsibility and accountability for apprenticeship in the State and is recognized by the United States Department of Labor, Office of Apprenticeship as an agency that has been properly constituted under state law and authorized by the Office of Apprenticeship to register and oversee apprenticeship programs and apprenticeship agreements for federal purposes.

[PL 2011, c. 491, §13 (NEW).]

**23. Technical assistance.** "Technical assistance" means guidance provided by the Bureau of Employment Services within the department in the development, revision, amendment or processing of a potential or current sponsor's standards of apprenticeship or apprenticeship agreements or advice or consultation provided by the bureau to a sponsor to further compliance with or remedy nonconformance to state and federal law, regulation or rule.

[PL 2011, c. 491, §13 (NEW).]

**24. Transfer.** "Transfer" means a shift of registration from one apprenticeship program to another or from one employer within a program to another employer within that same program, in accordance with an agreement between the apprentice and the affected sponsors.

[PL 2011, c. 491, §13 (NEW).]

#### SECTION HISTORY

PL 2011, c. 491, §13 (NEW). PL 2021, c. 705, §10 (AMD).

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