

MAINE STATE LEGISLATURE

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(New Draft of H.P. 415, L.D. 498)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1467

H.P. 1123

House of Representatives, April 14, 1983

Reported by Majority from the Committee on Labor and printed under
Joint Rule 2.

Original bill sponsored by Representative Andrews of Portland.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

**AN ACT to Permit the Employment Security
Commission Wider Discretion in Determining
Eligibility for Unemployment Compensation
Benefits.**

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

Sec. 1. 26 MRSA §1192, sub-§3, as amended by PL 1979, c. 651, §§23 and 47, is further amended to read:

3. Is able and available for work. He is able to work and is available for full-time work at his usual or customary trade, occupation, profession or business or in such other trade, occupation, profession or business for which his prior training or experience shows him to be fitted or qualified; and in addition to having complied with subsection 2 is himself actively seeking work in accordance with the

1 regulations of the commission; provide that no ineli-
2 gibility may be found solely because the claimant is
3 unable to accept employment on a shift, the greater
4 part of which falls between the hours of midnight to
5 5 a.m., and is unavailable for that employment
6 because of parental obligation, the need to care for
7 an immediate family member, or the unavailability of
8 a personal care attendant required to assist the
9 unemployed individual who is a handicapped person;
10 and provided that an unemployed individual who is
11 neither able nor available for work due to good cause
12 as determined by the commission shall be eligible to
13 receive prorated benefits for that portion of the
14 week during which he was able and available;

15 Sec. 2. 26 MRSA §1193, sub-§3, ¶B, as amended by
16 PL 1977, c. 536, is further amended to read:

17 B. Notwithstanding any other provisions of this
18 chapter, no work shall may be deemed suitable and
19 benefits shall not be denied under this chapter
20 to any otherwise eligible individual for refusing
21 to accept new work under any of the following
22 conditions:

23 (1) If the position offered is vacant due
24 directly to a strike, lockout or other labor
25 dispute;

26 (2) If the wages, hours or other conditions
27 of work are substantially less favorable to
28 the individual than those prevailing for
29 similar work in the locality;

30 (3) If, as a condition of being employed,
31 the individual would be required to join a
32 company union or to resign from or refrain
33 from joining any bona fide labor organiza-
34 tion; and

35 (4) If the position offered is the same one
36 previously vacated by the claimant for good
37 cause attributable to that employment or is
38 the position which the employee left for
39 reasons attributable to that employment, but
40 which were found insufficient to relieve
41 disqualification for benefits under subsec-

1 tion 1, paragraph A, provided that, in
2 either instance, the specific good cause or
3 specific reasons for leaving have not been
4 removed or otherwise changed; and

5 (5) If the position offered is on a shift,
6 the greater part of which falls between the
7 hours of midnight to 5 a.m., and is refused
8 because of parental obligation, the need to
9 care for an immediate family member, or the
10 unavailability of a personal care attendant
11 required to assist the unemployed individual
12 who is a handicapped person.

13 STATEMENT OF FACT

14 This new draft removes the new language proposed
15 by the original bill concerning the "able and avail-
16 able" requirement for employment eligibility determi-
17 nations and returns Title 26, section 1192, subsec-
18 tion 3, to its present wording, with one exception.
19 The new draft adds a new provision to Title 26,
20 section 1192, subsection 3, on eligibility determina-
21 tions and to Title 26, section 1193, subsection 3,
22 paragraph B, on disqualifications for refusal of
23 suitable work determinations. A claimant shall not
24 be held ineligible or disqualified if he is unable
25 to accept employment on a shift, the greater part of
26 which falls between the hours of midnight to 5 a.m.,
27 and is unavailable for that employment because of
28 parental obligation, the need to care for an immedi-
29 ate family member, or the unavailability of a per-
30 sonal care attendant required to assist the unem-
31 ployed claimant who is a handicapped person.

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