

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2218

H.P. 1742

House of Representatives, April 24, 2002

An Act to Improve the Responsiveness of the Unemployment Insurance Program.

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative BUNKER of Kossuth Township.
Cosponsored by Senator EDMONDS of Cumberland.

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

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Sec. 1. 26 MRSA §1192, sub-§3, as repealed and replaced by PL 1983, c. 816, Pt. A, §22, is amended to read:

3. Is able and available for work. He An individual is able to work and is available for full-time work at his the individual's usual or customary trade, occupation, profession or business or in such other trade, occupation, profession or business for which his the individual's prior training or experience shows him the individual to be fitted or qualified; and in addition to having complied with subsection 2 is himself actively seeking work in accordance with the regulations of the commission; provided that no ineligibility may be found solely because the claimant is unable to accept employment on a shift, the greater part of which falls between the hours of midnight to 5 a.m., and is unavailable for that employment because of parental obligation, the need to care for an immediate family member, or the unavailability of a personal care attendant required to assist the unemployed individual who is a handicapped person; and provided that an unemployed individual who is neither able nor available for work due to good cause as determined by the deputy ~~shall be~~ is eligible to receive prorated benefits for that portion of the week during which he the individual was able and available~~;~~.

A. Notwithstanding any other law, beginning June 1, 2003, an individual who is not available for full-time work as required in this subsection is not disqualified from receiving benefits if the person is available for part-time work in accordance with rules adopted by the Department of Labor. Rules adopted to implement this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter II-A. This paragraph is repealed June 1, 2006;

Sec. 2. Department rules and report. Pursuant to the option created by the federal Job Creation and Worker Assistance Act of 2002, Public Law 107-147, Section 209, which distributes federal funds to state unemployment trust funds, the Department of Labor shall provisionally adopt a rule to implement the Maine Revised Statutes, Title 26, section 1192, subsection 3, paragraph A as enacted in this Act and shall submit the proposed rule to the joint standing committee of the Legislature having jurisdiction over labor matters no later than February 1, 2003. In developing the rule, the department shall consult with all interested parties, including representatives of employers and employees. The department shall also submit no later than February 1, 2003 proposed legislation to the First Regular Session of the 121st Legislature to conform the employment security law to coverage of part-time workers. The proposed rule and proposed statutory changes must be designed in a manner that

2 simplifies program administration and minimizes any
3 administrative burden on employers.

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5 **FISCAL NOTE**

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7 This bill requires the Department of Labor to adopt rules to
8 implement the requirement that a person not be disqualified from
9 receiving unemployment compensation benefits if the person is
10 available for part-time work. The provisions of this bill would
11 become effective June 1, 2003 and would expire June 1, 2006. The
12 Department of Labor estimates that this bill, if enacted, would
13 increase benefit payments from the Unemployment Compensation
14 Trust Fund by \$466,667 in fiscal year 2002-03 due to more
15 individuals being eligible for the benefit. The department
16 estimates the full-year impact to the fund would be approximately
17 \$5,450,000 in fiscal year 2003-04 and \$5,250,000 in fiscal year
18 2004-05. These estimates are based on the current Insured
19 Unemployment Rate percentage, which may vary in future years.

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21 The State, with a few exceptions, is a direct reimbursement
22 employer and, as such, would experience some increase in
23 unemployment compensation costs if these rules are implemented.
24 However, there are relatively few part-time state employees and
25 the costs, when spread over all agencies, should be able to be
26 absorbed.

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28 The additional costs associated with adopting rules to
29 implement the requirements of this bill can be absorbed by the
30 Department of Labor utilizing existing budgeted resources.

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32 **SUMMARY**

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34 This bill provides that a person is not ineligible for
35 unemployment benefits solely because the person is not available
36 for full-time work, as long as the person is available to work at
37 least part-time. The bill requires the Department of Labor to
38 provisionally adopt a rule to implement the part-time worker
39 standard and to submit the rule to the joint standing committee
40 of the Legislature having jurisdiction over labor matters and any
41 necessary statutory changes to the Legislature by February 1,
42 2003. The part-time worker provision would be effective
43 beginning June 1, 2003 and would expire June 1, 2006.