

MAINE STATE LEGISLATURE

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N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 559

H. P. 1260

House of Representatives, February 6, 1941.

Referred to Committee on Federal Relations and 750 copies ordered printed. Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Grua of Livermore Falls.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

**AN ACT Amending the Unemployment Compensation Law so as to Reduce
Waiting Period for Unemployment Benefits and to Preserve Benefits for
Persons in the Military Service.**

Emergency preamble. Whereas, the objectives intended to be accomplished by the Unemployment Compensation Law are not fully possible without amendment of said law, and

Whereas, a failure to amend said law at once will result in depriving many individuals of substantial rights to which they are entitled and

Whereas, to deprive such individuals of such rights would be a serious menace to the health, morals and welfare to the people of the State which constitute a subject of general interest and concern requiring appropriate and immediate action and

Whereas, the foregoing facts in the judgment of the legislature constitute an emergency within the meaning of section 16 of Article XXXI of the constitution of this state and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. P. L., 1935, c. 192, § 19, subsection (p), amended. Subsection

(p) of section 19 of chapter 192 of the public laws of 1935, as amended, is hereby repealed and the following enacted in place thereof.

‘(p) **“Base period”** means the calendar year immediately preceding any benefit year; except that with respect to individuals inducted into the military service or who voluntarily enlist after January 1, 1940; (1) **“base period”** for the benefit year current at the expiration of the period of such military service or enlistment, means the calendar year in effect at the time of induction or enlistment, provided, however, that if the individual had unexhausted benefit credits in the base period in effect at the time of his induction or enlistment, his weekly benefit amount shall be whichever is higher with respect to the 2 base periods and his maximum available benefits shall be increased by such unexhausted benefit credits not to exceed 16 times such higher weekly benefit amount; and

(2) **“base period”** for such individuals in the benefit year next following the benefit year in effect at the expiration of such period of military service, means the calendar year in which such military service began, plus the calendar year in which such military service terminated, provided, however, that the individual’s maximum available benefits shall be reduced by an amount equivalent to the amount of benefits previously paid to such individual on account of credits established by earnings in the calendar year in which induction or enlistment took place.

Provided further, however, that these exceptions as to **“base period”** shall not be effective with respect to individuals inducted into or enlisting in military service who choose to continue voluntarily in such service beyond the established period for which first inducted or enlisted.’

Sec. 2. P. L., c. 192, § 4, amended. Subsection (d) of section 4 of chapter 192 of the public laws of 1935, as amended, is hereby further amended by striking out paragraph (d) and subsection (1) of subsection (d) and inserting in place thereof the following:

(d) **He has served a waiting period of one week of total unemployment or 2 weeks of partial unemployment. Such weeks of partial unemployment need not be consecutive. No week shall be counted as a week of partial or total unemployment for the purpose of this subsection:**

(1) **Unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits.**

Sec. 3. P. L., 1935, c. 192, § 19, amended. Subsection (t) of section 19 of chapter 192 of the public laws of 1935, as amended, is hereby repealed.

Sec. 4. P. L., 1935, c. 192, § 19, amended. Subsection (2) of subsection

(j) of section 19 of chapter 192 of the public laws of 1935, as amended, is hereby further amended to read as follows:

‘(2) An individual shall be deemed partially unemployed in any week of less than full-time work if his wages payable from any source for such week are less than the weekly benefit amount he would be entitled to receive if totally unemployed and eligible; **except that for the purpose of establishing waiting period only, any week of less than full-time work for which his wages payable from any source are less than \$3 shall be counted as a week of total unemployment.**’

Sec. 5. P. L., 1935, c. 192, § 3, amended. Subsection (b) of section 3 of chapter 192 of the public laws of 1935, as amended, is hereby repealed and the following subsection (b) enacted in place thereof:

‘(b) Each eligible individual who is totally unemployed (as defined in section 19 (j) (1) in any week shall be paid with respect to such week, benefits at the rate shown in column (C) of the schedule below on the line on which in column (A) there is indicated the individual’s wage class and such rate shall be the individual’s weekly benefit amount; and the maximum total amount of benefits payable to any eligible individual during any benefit year shall be the amount listed in column (D). The individual’s wage class shall be determined by the total amount of wages payable to him for insured work during his base period as shown in column (B).

Column A	Column B	Column C	Column D
1. Under	\$ 144.00	None	None
2. \$144.00	185.41	\$ 5.00	\$ 48.00
3. 185.42	228.24	5.00	56.00
4. 228.25	272.63	5.00	64.00
5. 272.64	318.58	5.00	72.00
6. 318.59	366.09	5.00	80.00
7. 366.10	415.16	5.50	88.00
8. 415.17	465.78	6.00	96.00
9. 465.79	517.82	6.50	104.00
10. 517.83	571.42	7.00	112.00
11. 571.43	626.57	7.50	120.00
12. 626.58	683.28	8.00	128.00
13. 683.29	741.54	8.50	136.00
14. 741.55	801.37	9.00	144.00
15. 801.38	862.61	9.50	152.00
16. 862.62	925.41	10.00	160.00
17. 925.42	989.77	10.50	168.00

18.	989.78	1055.69	11.00	176.00
19.	1055.70	1123.16	11.50	184.00
20.	1123.17	1192.19	12.00	192.00
21.	1192.20	1262.64	12.50	200.00
22.	1262.65	1334.64	13.00	208.00
23.	1334.65	1408.20	13.50	216.00
24.	1408.21	1483.32	14.00	224.00
25.	1483.33	1559.99	14.50	232.00
26.	1560.00 and over		15.00	240.00

Sec. 6. P. L., 1935, c. 192, § 3, amended. Subsection (d) of section 3 of chapter 192 of the public laws of 1935, as amended, is hereby repealed and the subsequent subsections (e), (f) and (g) relettered (d), (e) and (f) respectively.

Sec. 7. P. L., 1935, c. 192, § 3, amended. Subsection (e) of section 3 of chapter 192 of the public laws of 1935, as amended, is hereby further amended to read as follows:

‘(e) Maximum amount of benefits to be reduced in certain cases; restoration. If the commission finds, after reasonable notice and hearing, that benefit payments at the amount prescribed in sections (3) (b) and (3) (c), if continued, are in the aggregate such an amount as to imperil the solvency of the unemployment compensation fund, the commission shall, by regulation, reduce the maximum amount of benefits as prescribed ~~in section (3) (d)~~ **in column D of subsection (b) of section 3** by not to exceed 6/16 of the maximum amount and subsequently, if the commission finds, after reasonable notice and hearing, that the solvency of the unemployment compensation fund will permit the restoration of benefits as prescribed ~~in section (3) (d)~~ **in column D of subsection (b) of section 3** it shall make such restoration in full or in part at the rate of 1/16 of such maximum amounts or multiples thereof.’

Sec. 8. Effective date. Sections 2, 3, 4, 5, 6, and 7 hereof shall be effective with respect to the benefit year beginning April 1, 1941 and benefit years thereafter.

Emergency clause. In view of the emergency set forth in the preamble hereof, this act shall take effect when approved.