

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 1345

S. P. 453

In Senate, February 13, 1963

Taken from table on motion by Senator Edmunds of Aroostook and on further motion by Sen. Edmunds of Aroostook referred to Committee on Labor. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Johnson of Somerset.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Amending Certain Provisions of the Employment Security Law.

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

Sec. 1. R. S., c. 29, § 3, sub-§ XI, amended. The first paragraph of subsection XI of section 3 of chapter 29 of the Revised Statutes is amended to read as follows:

“Employment,” except as otherwise provided in ~~subparagraph 2 of paragraph F, subparagraph 2, of this subsection~~ means any service performed prior to July 26, 1940 which was employment as defined in this subsection prior to such date, and subject to the other provisions of this subsection service performed after July 26, 1940, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, expressed or implied, and including services performed by officers of a corporation unless such services are nominal or minor in nature.’

Sec. 2. R. S., c. 29, § 3, sub-§ XVII, repealed and replaced. Subsection XVII of section 3 of chapter 29 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

‘XVII. Unemployment, total and partial. “Unemployment, total and partial,” means:

A. An individual shall be deemed “totally unemployed” in any week with respect to which no wages are payable to him and during which he performs no services, except that any amounts received from the Federal Government by members of the National Guard and Organized Reserve, in-

cluding base pay and allowances, or any amounts received by volunteer firemen, shall not be deemed wages for the purpose of this subsection.

B. 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 any amounts received from the Federal Government by members of the National Guard and Organized Reserve, including base pay and allowances, or any amounts received by volunteer firemen, shall not be deemed wages for the purpose of this subsection.

C. The term "unemployed individual" shall not include an officer of a corporation unless services of such officer are nominal or minor in nature.

D. An individual's week of unemployment shall be deemed to commence only after his registration at an employment office, except as the commission may by regulation otherwise prescribe.'

Sec. 3. R. S., c. 29, § 3, sub-§ XIX, ¶ A, amended. The first sentence of paragraph A of subsection XIX of section 3 of chapter 29 of the Revised Statutes is amended to read as follows:

'Subsequent to December 31, 1950, that part of remuneration which after remuneration equal to \$3,000 has been paid in a calendar year to an individual by an employer or his predecessor with respect to employment during any calendar year, is paid to such individual by such employer during such calendar year ~~unless that part of the remuneration is subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund.~~

Sec. 4. R. S., c. 29, § 3, sub-§ XXII, amended. Subsection XXII of section 3 of chapter 29 of the Revised Statutes, as enacted by section 12 of chapter 361 of the public laws of 1961, is amended to read as follows:

XXII. Regular employment. "Regular employment" means work at the individual's customary trade, occupation, profession or business as opposed to temporary or odd job employment **outside of such customary trade, occupation, profession or business.'**

Sec. 5. R. S., c. 29, § 4, sub-§ III, amended. The first sentence of subsection III of section 4 of chapter 29 of the Revised Statutes is amended to read as follows:

'Any 2 commissioners shall constitute a quorum ~~provided, however, that whenever.~~ **Whenever** the commission hears any case involving a disputed claim for benefits under ~~the provisions of this chapter,~~ the impartial member of the commission shall act alone in the absence or disqualification of any other member, ~~and in no case shall such hearing proceed unless the impartial member of the commission is present~~ **provided that in the event of illness or extended absence on the part of the impartial member or in the event of a va-**

cancy in that position, the remaining members may act on appeals and conduct hearings and render a decision, provided both members agree.'

Sec. 6. R. S., c. 29, § 13, sub-§ III, amended. Subsection III of section 13 of chapter 29 of the Revised Statutes, as last repealed and replaced by section 2 of chapter 361 of the public laws of 1961, is amended to read as follows:

'III. Weekly benefit for partial unemployment. On and after October 1, 1962, each eligible individual who is partially unemployed and whose earnings from his regular employment in any week are less than his weekly benefit amount shall be paid with respect to such week a partial benefit equal to the difference between such earnings, **disregarding any fraction of a dollar earned**, and his weekly benefit amount; except that an individual whose partial earnings are from employment other than where regularly employed shall be paid an amount equal to his weekly benefit amount less that part of his earnings paid, or payable to him, for such week which is in excess of \$10, plus any fraction of a dollar, except that any amounts received by a volunteer fireman, or from the Federal Government by members of the National Guard and Organized Reserve, including base pay and allowances, shall not be deemed to be wages for the purposes of this subsection.'

Sec. 7. R. S., c. 29, § 15, sub-§ III, amended. The first paragraph of subsection III of section 15 of chapter 29 of the Revised Statutes, as repealed and replaced by section 3 of chapter 376 of the public laws of 1955 and as amended by section 6 of chapter 361 of the public laws of 1961, is further amended to read as follows:

'If he has refused to accept an offer of suitable work for which he is reasonably fitted, or has refused to accept a referral to a **suitable** job opportunity when directed to do so by a local employment office of this State or another state or if an employer is unable to contact a former employee at last known or given address, for purpose of recall to employment; or the individual fails to respond to a call in card requesting him to report to the local office for the purpose of a referral to a suitable job, and the disqualification shall continue until claimant has earned 15 times his weekly benefit amount. For the purpose of this subsection, lack of transportation shall not be a valid excuse for refusal provided the work offered is suitable.'

Sec. 8. R. S., c. 29, § 16, sub-§ VII, amended. Subsection VII of section 16 of chapter 29 of the Revised Statutes is amended to read as follows:

'VII. Witness fees. Witnesses subpoenaed pursuant to ~~the provisions of~~ this chapter shall be allowed fees at a rate fixed by the commission to be paid out of the Employment Security Administration Fund, **except that no attendance or mileage fee shall be due or payable when a subpoena is issued to compel an employing unit to appear and produce records and reports as provided under section 5, subsection VII.**'