

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SECOND LEGISLATURE

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## Legislative Document

No. 1057

H. P. 829

House of Representatives, February 10, 1965

Referred to Committee on Labor. Sent up for concurrence and ordered printed.

JEROME G. PLANTE, Clerk

Presented by Mr. Young of Gouldsboro.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-FIVE

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### AN ACT Revising the Maine Employment Security Law and Increasing Benefits Thereunder.

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

**Sec. 1. R. S., T. 26, § 1082, sub-§ 5, amendnd.** Subsection 5 of section 1082 of Title 26 of the Revised Statutes is amended by inserting after the 2nd sentence a new sentence to read as follows:

‘The advisory council may also make recommendations to the Legislature for such changes in this chapter as in their opinion will aid in accomplishing the objectives of this chapter.’

**Sec. 2. R. S., T. 26, § 1082, sub-§ 5, amended.** The last sentence of subsection 5 of section 1082 of Title 26 of the Revised Statutes is repealed as follows:

‘Such compensation paid to any one member of the council shall not exceed the sum of \$400 in any one fiscal year.’

**Sec. 3. R. S., T. 26, § 1191, sub-§§ 2 & 3, repealed and replaced.** Subsections 2 and 3 of section 1191 of Title 26 of the Revised Statutes are repealed and the following enacted in place thereof:

‘2. Weekly benefit amount for total unemployment. On and after October 1, 1962, each eligible individual who is totally unemployed 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 paid to him for insured work, during his base period as shown in column (B).

Column A	Column B	Column C	Column D
1.	\$ 600.00 up to \$ 699.99	\$12.00	\$200.00
2.	700.00 up to 799.99	13.00	233.00
3.	800.00 up to 899.99	14.00	266.00
4.	900.00 up to 999.99	15.00	300.00
5.	1,000.00 up to 1,099.99	17.00	333.00
6.	1,100.00 up to 1,199.99	18.00	366.00
7.	1,200.00 up to 1,299.99	19.00	400.00
8.	1,300.00 up to 1,399.99	21.00	433.00
9.	1,400.00 up to 1,499.99	22.00	466.00
10.	1,500.00 up to 1,599.99	23.00	500.00
11.	1,600.00 up to 1,699.99	25.00	533.00
12.	1,700.00 up to 1,849.99	26.00	566.00
13.	1,850.00 up to 1,999.99	27.00	616.00
14.	2,000.00 up to 2,099.99	28.00	666.00
15.	2,100.00 up to 2,199.99	29.00	700.00
16.	2,200.00 up to 2,299.99	30.00	733.00
17.	2,300.00 up to 2,399.99	31.00	766.00
18.	2,400.00 up to 2,499.99	32.00	800.00
19.	2,500.00 up to 2,599.99	33.00	833.00
20.	2,600.00 up to 2,699.99	34.00	866.00
21.	2,700.00 up to 2,799.99	36.00	933.00
22.	2,800.00 up to 2,899.99	38.00	966.00
23.	2,900.00 and over	40.00	1,040.00

3. Weekly benefit for partial unemployment. On and after April 1, 1966 each eligible individual who is partially unemployed in any week shall be paid with respect to such week a partial benefit in an amount equal to his weekly benefit amount less 80% of his earnings for such week of partial unemployment, provided that any fraction of a dollar resulting from such computation shall be disregarded. An individual shall not be entitled to partial benefits if the earnings for such week are \$5 or more in excess of his weekly benefit amount. Amounts received by volunteer firemen 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. 4. R. S., T. 26, § 1191, sub-§ 4, additional. Section 1191 of Title 26 of the Revised Statutes is amended by adding a new subsection 4, to read as follows:

'4. Benefit limitations. No claimant shall be eligible for benefits if he has, following the filing of his first initial claim in the current benefit year or the prior benefit year, received the maximum total amount of benefits payable at his initial applicable weekly benefit amount without having earned in covered employment subsequent to such filing at least \$600; furthermore, no claimant shall be eligible for benefits if within the preceding 52 weeks he has received the maximum total amount of benefits payable at his initial applicable weekly benefit amount.'

Sec. 5. R. S., T. 26, § 1193, sub-§§ 1-3, amended. Subsections 1 to 3 of section 1193 of Title 26 of the Revised Statutes are amended to read as follows:

'1. Voluntarily leaves work. For the period of unemployment subsequent

~~to his having week in which he retired, or having~~ left his regular employment voluntarily without good cause attributable to such employment, or with respect to a female claimant who voluntarily left work to marry, or to perform the customary duties of a housewife, or to leave the locale to live with her husband, or to a claimant who voluntarily removed himself from the labor market where presently employed to an area where employment opportunity is less frequent, if so found by the commission, and disqualification shall continue until claimant has earned ~~15~~ 5 times his weekly benefit amount. In no event shall disqualification for voluntarily leaving regular employment be avoided by periods of other employment unless such other employment shall have continued for ~~4~~ 2 full weeks; ~~leaving work shall not be considered voluntary without good cause when it is caused by the illness or disability of the claimant and the claimant took all reasonable precautions to protect his employment status by having promptly notified his employer as to the reason for his absence and by promptly requesting reemployment when he is again able to resume employment at his former job;~~

2. **Discharge for misconduct.** For the ~~period of unemployment subsequent to his having week in which he has~~ been discharged for misconduct connected with his work, if so found by the commission, and disqualification shall continue until claimant has earned ~~20~~ 10 times his weekly benefit amount. The term misconduct shall include but not be limited to repeated absenteeism or tardiness after notice or warning, insubordination without provocation by the employer or his agent and disregard of the employer's interest, rules or regulations; ~~except that absenteeism shall not be cause for disqualification when it is caused by the illness or disability of the claimant and the claimant took all reasonable precautions to protect his employment status by having promptly notified his employer as to the reason for his absence and by promptly requesting reemployment when he is again able to resume employment at his former job;~~

3. **Refused to accept work.** 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 request~~ 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~~ 5 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;~~

A. In determining whether or not any work is suitable for an individual, the commission shall consider the degree of risk involved to his health, safety and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

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

- (1) If the position offered is vacant due directly to a strike, lockout or other labor dispute;
- (2) If the wages, hours or other conditions of work are substantially less favorable to the individual than those prevailing for similar work in the locality;
- (3) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.'

**Sec. 6. R. S., T. 26, § 1193, sub-§ 5, ¶ C, amended.** Paragraph C of subsection 5 of section 1193 of Title 26 of the Revised Statutes is amended to read as follows:

'C. Retirement pay or a pension paid, excluding a pension paid under Title II of the Federal Social Security Act, as amended, directly by the employer or paid indirectly by the employer through a trust fund, insurance or other media in the manner set forth in section 1043, subsection 19, paragraph B, ~~but only if in addition to a retirement pay or a pension paid, he is also being paid a pension under Title 11 of the Federal Social Security Act, as amended.~~

**Sec. 7. R. S., T. 26, § 1221, sub-§ 4, amended.** The chart in subsection 4 of section 1221 of Title 26 of the Revised Statutes is amended to read as follows:

		Employer's Contribution Rate in Percent of Wages				
Column A		B	C	D	E	F
Reserve Ratio		Amount in Fund in Millions				
Equal to or more than	Less than	Over 35	Over 30	Over 25	Over 20	Under 20
			not over 35	not over 25		
		over 40	over 40	over 35	not over 25	
—	5%	2.7%	2.7%	2.7%	2.7%	2.7%
5%	6%	2.4%	2.5%	2.6%	2.7%	2.7%
6%	7%	2.1%	2.3%	2.5%	2.7%	2.7%
7%	8%	1.9%	2.2%	2.4%	2.6%	2.7%
8%	9%	1.8%	2.1%	2.3%	2.5%	2.7%
9%	10%	1.6%	1.9%	2.2%	2.4%	2.7%
10%	11%	1.5%	1.8%	2.1%	2.3%	2.7%
11%	12%	1.3%	1.6%	1.9%	2.2%	2.7%
12%	13%	1.2%	1.5%	1.8%	2.1%	2.7%
13%	14%	1.1%	1.3%	1.6%	2.0%	2.7%
14%	15%	1.0%	1.2%	1.5%	1.9%	2.7%
15%	16%	0.9%	1.1%	1.4%	1.8%	2.7%
16%	17%	0.8%	1 %	1.3%	1.7%	2.7%
17%	18%	0.7%	.9%	1.2%	1.6%	2.7%
18%	19%	0.6%	.8%	1.1%	1.5%	2.7%
19% and over		0.5%	.7%	1 %	1.4%	2.7%