

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION
(EMERGENCY)

ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1679

H. P. 1211

House of Representatives, January 17, 1966

The Committee on Labor suggested.

JEROME G. PLANTE, Clerk

Presented by Mr. Levesque of Madawaska, and Mr. Gifford of Manchester.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SIX

AN ACT to Correct Certain Errors in the Employment Security Law.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after the adjournment of the Legislature unless enacted as emergencies; and

Whereas, several Acts relating to employment security enacted by the 102nd Legislature in regular session have created inconsistencies and technical errors; and

Whereas, such inconsistencies and errors have created uncertainties and confusions in interpreting legislative intent; and

Whereas, it is vitally necessary that such uncertainties be resolved so that injustices to the people of Maine may be avoided; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine 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. R. S., T. 26, § 1043, sub-§ 17, ¶ B, repealed and replaced. Paragraph B of subsection 17 of section 1043 of Title 26 of the Revised Statutes, as amended by section 1 of chapter 217 and by section 3 of chapter 381, both of the public laws of 1965, is repealed and the following enacted in place thereof:

'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 not \$5 or more in excess of the weekly benefit amount he would be entitled to receive if totally unemployed and eligible, except that remuneration payable or received as holiday pay shall not be deemed wages for the purpose of this subsection and 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.'

Sec. 2. R. S., T. 26, § 1191, sub-§ 3, repealed and replaced. Subsection 3 of section 1191 of Title 26 of the Revised Statutes, as amended by section 2 of chapter 217 and as repealed and replaced by section 9 of chapter 381, both of the public laws of 1965, is repealed and the following enacted in place thereof:

'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 that part of his earnings paid or payable to him with respect to such week which is in excess of \$10 plus any fraction of a dollar, except that remuneration payable or received as holiday pay shall not be deemed wages for the purpose of this subsection and 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.'

Sec. 3. R. S., T. 26, § 1191, sub-§ 4, amended. Subsection 4 of section 1191 of Title 26 of the Revised Statutes, as enacted by section 10 of chapter 381 of the public laws of 1965, is amended to read as follows:

'4. **Maximum amount of benefits.** The maximum amount of benefits which shall be paid to any eligible individual with respect to any benefit year, whether for total or partial unemployment, shall not exceed the lesser of 26 times his weekly benefit amount or 33 $\frac{1}{3}\%$, rounded to the nearest dollar, of his total wages paid for insured work during his base period.'

Sec. 4. R. S., T. 26, § 1193, sub-§ 1, ¶ A, amended. The first sentence of paragraph A of subsection 1 of section 1193 of Title 26 of the Revised Statutes, as amended by section 13 of chapter 381 of the public laws of 1965, is further amended to read as follows:

'For the week in which he left his regular employment voluntarily without good cause attributable to such employment, or with respect to a female claimant who has 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 has 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 for 12 weeks immediately following such week or until claimant has earned 8 times his ~~weekly~~ weekly benefit amount, whichever occurs first.'

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect April 1, 1966.