

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 557

H. P. 423

House of Representatives, February 3, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mrs. Goodwin of Bath.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

**AN ACT to Revise Eligibility Requirements for Unemployment
Compensation Benefits.**

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

Sec. 1. R. S., T. 26, § 1043, sub-§ 23, amended. Subsection 23 of section 1043 of Title 26 of the Revised Statutes, as enacted by section 5 of chapter 381 of the public laws of 1965, is amended to read as follows:

23. Misconduct. ~~“Misconduct~~ **Gross misconduct**” means conduct evincing such willful or wanton disregard of an employer’s interests as is found in deliberate violations or disregard of standards of behavior which the employer has a right to expect of his employee, or in carelessness or negligence of such degree or recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer’s interests ~~or of the employee’s duties and obligations to his employer.~~

“**Minor misconduct**” means acts of less severity, after warning, which would be considered contrary to behavior standards an employer can reasonably expect of his employee.

Sec. 2. R. S., T. 26, § 1192, sub-§ 4, repealed. Subsection 4 of section 1192 of Title 26 of the Revised Statutes, as amended by chapter 409 of the public laws of 1965, is repealed.

Sec. 3. R. S., T. 26, § 1193, sub-§ 2, amended. Subsection 2 of section 1193 of Title 26 of the Revised Statutes, as amended by section 14 of chapter 381 of the public laws of 1965, is further amended to read as follows:

2. **Discharge for misconduct.** For the week in which he has been discharged for an act of gross misconduct connected with his work, 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 benefit amount, whichever occurs first; or for the week in which he has been discharged for a minor act of misconduct connected with his work, if so found by the commission, and disqualification shall continue for 6 weeks immediately following such week or until claimant has earned 4 times his weekly benefit amount, whichever occurs first;

Sec. 4. R. S., T. 26, § 1194, sub-§ 11, additional. Section 1194 of Title 26 of the Revised Statutes is amended by adding a new subsection 11, to read as follows:

11. Proceedings on appeal when either party fails to appear. In any hearing before any appeal tribunal or before the commission if any party to the proceedings, having received due notice thereof, fails, without good cause in the judgment of the hearing body, to appear by himself or his representative to prosecute or defend the appeal as the case may be, the hearing shall proceed to a determination on an ex parte presentation and the decision thereon shall be the decision of the commission even though rendered by an appeal tribunal. This decision shall be final and there shall be no appeal or review thereof, provided that an aggrieved party, by petition to the Superior Court for Kennebec County, may secure an order for the reopening of the case before the commission upon a finding that the ex parte proceedings resulted from an abuse of discretion as a matter of law. The time for filing such petition and the manner of proceeding thereon shall be in accordance with subsection 9. Nothing in this subsection shall be construed to deny to the party appearing the same rights of appeal as are provided by law in any other unemployment compensation appeal.

STATEMENT OF FACT

The purpose of this bill is to eliminate the present requirement of waiting period of one week prior to receiving unemployment compensation, to reduce the period of disqualification for minor acts of misconduct and to prevent the further delay of the payment of unemployment benefits when an interested party failed without good cause to appear at a scheduled hearing.