

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 572

H. P. 510

House of Representatives, February 6, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Garsoe of Cumberland.

Cosponsor: Mr. Hobbins of Saco.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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**AN ACT to Revise Certain Requirements of the Employment Security Law  
During Periods of Emergency.**

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

Whereas, it can be reasonably expected that the insured rate of unemployment will go to a higher percentage than presently experienced; and

Whereas, this condition is creating unnecessary problems for both the worker and the departmental personnel; and

Whereas, the rigid adherence to the actively seeking work requirement during these periods of high unemployment creates an undue hardship upon both the worker and the employer; 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:

**26 MRSA, § 1192, sub-§ 3**, as last amended by PL 1971, c. 538, § 23, is repealed and the following enacted in place thereof:

3. Is able and available for work. He is able to work and is available for work at his usual or customary trade, occupation, profession or business or in such other trade, occupation, profession or business for which his prior

training or experience shows him to be fitted or qualified; and in addition to having complied with subsection 2 is himself actively seeking work in accordance with the regulations of the commission.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

This Act will provide the commission with the authority to establish regulations which would provide for realistic tests as to the claimant's job search in accordance with labor market conditions.

The claimant must be an active candidate for a job to meet the eligibility requirements. However, during periods of high unemployment, unrealistic requirements result in haphazard work search which is an empty gesture demoralizing to the claimant and a nuisance to the employer.