

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1297

H. P. 1017

House of Representatives, March, 20, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Hughes of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to Benefits under the Employment Security Law.

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

Sec. 1. 26 MRSA § 1192, sub-§ 3, as last amended by PL 1971, c. 538, § 23, is further amended to read:

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 as 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, and provided further that no claimant shall be deemed to be unavailable for the whole of the week who, because of compelling personal circumstances, is required to be absent from his normal labor market area, provided that such absence does not exceed a major portion of the week;

Sec. 2. 26 MRSA § 1192, sub-§ 9 is enacted to read:

9. **No denial of benefits for jury service.** Benefits shall not be denied to an individual solely because he is selected to serve as a juror. Individuals, who receive actual earnings for jury service, shall be paid a partial benefit in an amount equal to his weekly benefit amount less that amount earned for jury service.

STATEMENT OF FACT

The first section of this bill would allow benefits for claimants receiving sudden notice of death or illness of relatives away from their immediate labor market area.

The 2nd section of this bill concerns unemployment benefits for persons on jury service. In many of our less populated counties citizens entitled to unemployment compensation are being denied compensation when they are selected for jury duty regardless of whether or not they actually receive any compensation for jury service. This means in effect they go without any compensation for the weeks that they happen to be in a jury pool. The state law requires its citizens to be available for jury duty and requires employers to allow their employees time to serve on juries without jeopardizing their employment. State law requires persons to be "available for work" to be eligible for unemployment compensation. Under the current interpretation of "available for work," those persons who are attempting to fulfill their obligations as a citizen to serve on a jury are being denied one of the fundamental benefits of their citizenship. This bill proposes to allow persons, who are otherwise eligible, to draw unemployment compensation while they are on a jury list. If called to jury duty, the person's actual compensation would be deducted from any weekly benefits. If the person gains employment during this period, his employer would simply follow his standard procedure for use when any of his other employees are called for jury duty.