

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 1413

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H. P. 1103

House of Representatives, March 24, 1975

On motion of Mr. Tierney of Durham, referred to the Committee on Labor.  
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Mulkern of Portland.

Cosponsors: Mrs. Najarian of Portland, Mr. Ingegneri of Bangor.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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AN ACT Relating to the Definition of Employment under the Employment  
Security Law.

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

Sec. 1. 26 MRSA § 1043, sub-§ 11, ¶ A-1, sub-¶ (3), as last amended by PL 1973, c. 555, § 7, is further amended to read:

(3) Notwithstanding paragraph F, except as herein provided, service performed in the employ of a religious, charitable, educational or other organization which is excluded from the term employment as defined in the Federal Unemployment Tax Act solely by reason of section 3306(c) (8) of that Act; and the organization had 4 or more individuals in employment for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time; ~~and such services are not excluded under paragraph F, subparagraph (21), divisions (a) through (h);~~

Sec. 2. 26 MRSA § 1043, sub-§ 11, ¶ F, sub-¶ (1), as last amended by PL 1971, c. 538, § 9, is further amended to read:

(1) Service performed in the employ of this State, or service performed in the employ of any political subdivision thereof, or of any instrumentality of this State or its political subdivisions, except as provided by this subsection and except employers of public elementary and secondary teachers shall become subject to this chapter on and after January 1, 1976;

Sec. 3. 26 MRSA § 1043, sub-§ 11, ¶ F, sub-¶ 21, Div (c), as repealed and replaced by PL 1973, c. 555, § 8, is repealed as follows:

(c) Service performed in the employ of a school primarily operated as an elementary, secondary or preparatory school for higher education, which is not an institution of higher education;

### STATEMENT OF FACT

The enactment of this bill is necessary to cover a very critical situation wherein teachers for the first time since the 1930's are threatened with lay-offs due to the current funding and reduced enrollment in schools and should be considered under the same policy as set forth in Title 26, section 1042 which reads as follows:

Economic insecurity due to unemployment is a serious menace to the health, morals and welfare of the people of this State. Unemployment is therefore a subject of general interest and concern which requires appropriate action by the Legislature to prevent its spread and to lighten its burden which may fall upon the unemployed worker, his family and the entire community. The achievement of social security requires protection against this greatest hazard of our economic life. This objective can be furthered by operating free public employment offices in affiliation with a nation-wide system of public employment services; by devising appropriate methods for reducing the volume of unemployment; and by the systematic accumulation of funds during periods of employment from which benefits may be paid for periods of unemployment, thus maintaining purchasing power, promoting the use of the highest skills of unemployed workers and limiting the serious social consequences of unemployment.