

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 2265

H. P. 2116

House of Representatives, February 26, 1976

Reported by Mrs. Tarr from Committee on Labor pursuant to H. P. 1775
and printed under Joint Rules No. 3.

EDWIN H. PERT, Clerk

(Filed under Joint Rule 3 Pursuant to H. P. 1775)

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SIX

**AN ACT to Adjust the Disqualification Period for Voluntarily Leaving
Employment and to Adjust Maximum Unemployment Benefits Paid to
Individuals Discharged for Misconduct.**

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

Whereas, provisions of the Employment Security Law with respect to "voluntary quits" and discharge for misconduct provide inadequate incentives and contribute an additional expense on the financially troubled State Unemployment Trust Fund; 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. 26 MRSA § 1193, sub-§ 1, ¶ A, 1st sentence, as last amended by PL 1971, c. 538, § 28, is further amended to read:

For the week in which he left his regular employment voluntarily without good cause attributable to such employment, 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~~ and until claimant has earned 8 times his weekly benefit amount ~~whichever occurs first.~~

Sec. 2. 26 MRSA § 1193, sub-§ 2, as amended by PL 1965, c. 381, § 14, is further amended to read:

2. Discharge for misconduct. For the week in which he has been discharged for 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; and, in addition, his maximum amount of benefits shall be reduced by an amount equivalent to the number of such weeks of disqualification times his weekly benefit amount;

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

STATEMENT OF FACT

Under present law, an individual, who is discharged for misconduct or who leaves his employment voluntarily without good cause attributable to such employment, may receive the full maximum benefits after waiting out the 12-week disqualification period. The purpose of this bill is to reduce an individual's maximum benefit amount by an amount equal to his weekly benefit amount multiplied by his weeks of disqualification in misconduct cases. In "voluntary quit" cases this bill provides that an individual must return to work to requalify for benefits. This change should accomplish 2 objectives. First, the statutory requalifying requirement should serve as a disincentive to so-called "voluntary quits." Second, the reduction for misconduct should serve as a deterrent to employee misconduct.