

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
108TH LEGISLATURE  
FIRST REGULAR SESSION

(Filing No. H-644)

COMMITTEE AMENDMENT "A" to H.P. 113, L.D. 143, Bill, "AN ACT Revising the Disqualification Periods for Persons who Voluntarily Quit Work or are Discharged for Misconduct."

Amend the Bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 26 MRSA §1193, sub-§1, as last amended by PL 1971, c.538, §28, is repealed and the following enacted in its place:

1. Voluntarily leaves work.

A. If so found by the commission, for the week in which he left his regular employment voluntarily without good cause attributable to that employment or in which he voluntarily removed himself from the labor market where presently employed to an area where employment opportunity is less frequent. Disqualification shall continue either until the claimant has earned 8 times his weekly benefit amount or -----> until the claimant has registered for work and has reported to the employment service once weekly for 12 weeks following the week he left his employment, whether or not the weeks were consecutive, in accordance with such regulations as the commission shall prescribe.  
<-----/ a claimant shall be relieved of this reporting

requirement for any week in which the commission finds that the claimant was not actually notified of his obligation to report.

The commission shall prescribe regulations governing the method of notification. If relieved of the reporting requirement, the claimant is disqualified for no more than 12<sup>consecutive</sup> weeks immediately following the week in which he left his employment. Notwithstanding these restrictions on eligibility, no individual shall be disqualified:

- (1) If he leaves his regular employment due to a personal emergency of such a compelling nature that it would be contrary to good conscience to impose a disqualification;
- (2) If he leaves his regular employment due to his illness, injury or disability, including a result of pregnancy in the case of a female;
- (3) If he leaves his regular employment due to a loss of transportation to or from work and the claimant has taken all reasonable steps to procure a new means of transportation; or

(4) If he leaves his regular employment to accompany, follow or join his spouse or other immediate family member in a new place of residence and he can clearly show upon arrival at the new place of residence an attachment to the new labor market and is in all respects available for suitable work;

subparagraphs (1) to (4), and, whenever appropriate in situations listed in/ the claimant has taken all reasonable precautions to protect his employment status, including promptly notifying his employer why he is being forced to quit work and promptly requesting to be hired again by that employer when he is again able to resume work; or

B. For the duration of his unemployment period subsequent to his having retired; or having been retired from his regular employment as a result of a recognized employer policy or program, under which he is entitled to receive pension payments, if so found by the commission, and disqualification shall continue until claimant has earned 6 times his weekly benefit amount;

Sec. 2. 26 MRS §1193, sub-§2, as amended by PL 1965,

c. 381, §14, is repealed and the following enacted in its place:

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 either until the claimant has earned 8 times his weekly benefit amount or  → until the claimant <sup>has registered for work and</sup> /has reported to the employment service once weekly for 12 weeks following the week in which he left his employment, whether or not the weeks were consecutive, in accordance with such regulations as the commission shall prescribe. ~~K~~ / claimant shall be relieved of this reporting requirement for any week in which the commission finds that the claimant was not actually notified of his obligation to report. The commission shall prescribe regulations governing the method of notification. If relieved of the reporting requirement, the claimant is disqualified for no more than 12 / <sup>consecutive</sup> weeks after the week in which he left his employment.

Sec. 3. 26 MRSA §1221, sub-§3, ¶A, sub-¶(1) is amended to read:

(1) Claimant's separation from his last employer was for misconduct in connection with his employment, or was voluntary without good cause attributable to such employer, or for other good cause as defined in section 1193, subsection 1, paragraph A, subparagraphs (1), (2), (3) and (4); or

Statement of Fact

The inability to find work causes great personal and public distress. The purpose of unemployment insurance is to protect those of us who search for work but can find none. This amendment seeks to further this purpose by:

1. Requiring persons who have voluntarily quit their jobs without a good reason to actively look for work while waiting to be eligible for unemployment benefits; and

2. Recognizing that compelling circumstances may arise that temporarily disrupt the lives of people who are ordinarily workers and allowing them to collect unemployment benefits while they are looking for new work.

Specifically, this amendment accomplishes the following.

1. Currently, a person who voluntarily leaves his job without good reason/can simply sit-out the required 13-week total waiting period for benefits without being required to look for work. Under this amendment the waiting period cannot run unless the person is registered for work with the Employment Security Commission and is actively seeking new work. This reporting requirement would not apply if the person was not informed of it.

2. Currently, a personal disaster could force a person to leave his job, yet he might not be immediately eligible for unemployment benefits while he was looking for new work. This amendment describes certain personal emergencies that will not result in his disqualification for benefits for 13 weeks or until he has earned 8 times his weekly benefit amount. For any of these emergencies, the person would have to show the commission that he made a reasonable effort to keep working. Unemployment benefits paid because of such emergencies would not be charged to employers.

Reported by the Majority of the Committee on Labor.

Reproduced and distributed under the direction of the Clerk of the House.

6/16/77

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