

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1575

H. P. 1374

House of Representatives, April 13, 1977

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

EDWIN H. PERT, Clerk

Presented by Mr. Greenlaw of Stonington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT to Require Proration of Unemployment Benefits for a Person who
is absent for illness.**

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

26 MRSA § 1192, sub-§ 3, as repealed and replaced by PL 1975, c. 770, § 122, is amended by adding at the end a new paragraph to read:

For purposes of this subsection and notwithstanding section 1193, subsection 3, good cause shall include absence for illness during a week in which an individual is eligible for a partial claim. Such an individual so absent shall be eligible to receive prorated benefits as provided in this subsection; provided, that an absence for illness during any day in which work is available shall be calculated as follows: An absence of less than 4 hours shall be counted as an absence of $\frac{1}{2}$ day, and an absence of more than 4 hours shall be counted as one day.

STATEMENT OF FACT

An administrative ruling of the Employment Security Commission, based on section 1192, subsection 3 of the Employment Security Law, unjustly treats certain classes of individuals making claims for partial benefits, including seasonally employed individuals. Such an individual, who is offered no work during a week in which he is able and available for work, except for a brief period of illness, is eligible to receive prorated benefits based on his actual availability for work. However, an individual who accepts all work offered, except during a brief period of illness, is eligible to receive no benefits.

The purpose of this bill is to correct this inequity by making eligible for prorated benefits an individual who accepts all offered work, except during a brief period of illness. The proration formula will count an absence of less than 4 hours during any day as an absence of $\frac{1}{2}$ day, and an absence of more than 4 hours as one day.