

MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "A" to H.P. 1932, L.D. 2000, Bill,
"AN ACT to Authorize Local School Committees to Elect the
Method of Funding Unemployment Compensation."

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

'Sec. 1. 26 MRSA §1043, sub-§28, as enacted by PL 1977,
c. 570, §20, is repealed and the following enacted in its
place:

28. Governmental entity. "Governmental entity" means
the State of Maine, its instrumentalities, political sub-
divisions and school administrative units as represented by
their elected or appointed governing bodies and shall include,
without limitation, city and town councils, boards of select-
men, boards of county commissioners, municipally owned and
operated hospitals and administrative entities formed under
Title 30, chapter 203. In the case of school administrative
units, governing bodies shall include, without limitation,
municipal school committees, school administrative district
directors, community school district school committees and
school unions formed under Title 20, chapter 17. In the case

of special purpose districts, governing bodies shall include, without limitation, boards of directors or trustees.

Sec. 2. 26 MRS A §1192, sub-§7, ¶¶ A, B and C, as enacted by PL 1977, c. 570, §21, are amended to read:

A. With respect to weeks of unemployment beginning after December 31, 1977, in an instructional, research or principal administrative capacity for an educational institution, benefits shall not be paid based on such services for any week of unemployment commencing during the period between a successive academic years or terms, or when an agreement provides instead for a similar period between a regular but not successive terms, during such period, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years or terms, and if there is a contract or written reasonable assurance that such individual will perform services in any such capacity for any educational institution in the 2nd of such academic years or terms; and → annual

B. With respect to weeks of unemployment beginning after December 31, 1977, in any other capacity for an educational institution, other than an institution of higher education as defined in section 1043, subsection 25, benefits shall not be paid on the basis of such services to any individual for any week which commences during a period between a successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is written reasonable assurance that such individual will perform such services in the 2nd of such academic year or terms, and → annual

C. With respect to weeks of unemployment beginning after December 31, 1977, benefits shall be denied to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performs any services described in paragraphs A or B in the period immediately before such vacation period or holiday recess, and there is written reasonable assurance that such individual will perform any such services in the period immediately following such vacation period or holiday recess. → annual

Sec. 3. 26 MRS A §1221, sub-§12, as enacted by PL 1971, c. 538, §43, is amended by adding at the end the following new sentence to read:

This subsection shall not apply to governmental entities as defined by section 1043, subsection 28, whether they act singularly or in group accounts as allowed by subsection 15.

Statement of Fact

This amendment accomplishes the following:

1. Includes in the definition of governmental entities for the purposes of unemployment compensation: Local school committees, school unions, administrative entities such as solid waste cooperative ventures

and municipally owned and operated hospitals. Under the current law, single governmental entities can decide which option it will pick to finance the unemployment compensation paid to its former employees. This amendment clarifies which entities can make such a financing choice;

2. Requires that when a school employee is given reasonable assurance that he will be reemployed at the conclusion of a term break or vacation, that this assurance need be given only once a year; and

3. Allows local school committees and other governmental entities to not post a bond to insure payment of unemployment compensation benefits.

Reported by the Committee on Labor.

Reproduced and distributed under the direction of the Clerk of the House.
1/19/78

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