

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 750

H. P. 604

House of Representatives, February 23, 1979

Referred to the Committee on Labor. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Cunningham of New Gloucester.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**AN ACT to Provide for an Offset for Holiday Pay under the Employment Security Law.**

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

**Sec. 1. 26 MRSA § 1191, sub-§ 2**, as last amended by PL 1971, c. 538, § 21, is further amended by adding after the first paragraph a new paragraph to read:

**The amount of benefits payable to an eligible individual with respect to any week of total unemployment shall be reduced by the amount of any holiday pay which the individual has received or is entitled to receive for that week.**

**Sec. 2. 26 MRSA § 1191, sub-§ 3, first sentence**, as amended by PL 1975, c. 710, § 1-A, is further amended to read:

~~On and after April 1, 1966, each~~ **Each** eligible individual who is partially unemployed in any week shall be paid with respect to such week a partial benefit in an amount equal to his weekly benefit amount less that part of his earnings, **including holiday pay**, paid or payable to him with respect to such week which is in excess of \$10 plus any fraction of a dollar, ~~except that remuneration payable or received as holiday pay shall not be deemed wages for the purpose of this subsection and~~ except that any amounts received from the Federal Government by members of the National Guard and organized reserve, including base pay and

allowances, or any amounts received by volunteer firemen or by elected members of the Legislature, shall not be deemed wages for the purpose of this subsection.

#### STATEMENT OF FACT

Under present law, an unemployed individual is entitled to receive the full amount of weekly benefits provided by law in addition to any amounts he receives for a paid holiday during a week of unemployment. It is inequitable to use funds derived from taxes upon Maine employers to pay their employees compensation with respect to any day for which employers have already paid them wages. This bill simply reduces the weekly benefit by the amount of holiday pay.