

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1027

H. P. 819

House of Representatives, March 5, 1979

On Motion of Mr. Wyman of Pittsfield, referred to the Committee on Labor.  
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Wyman of Pittsfield.

Cosponsor: Mr. Birt of East Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**AN ACT Relating to Unemployment Compensation Benefits for Persons  
Collecting Workers' Compensation.**

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

**Sec. 1.** 26 MRSA § 1043, sub-§ 19, ¶ D, is enacted to read:

**D.** For purposes of section 1191, subsection 2; section 1192, subsection 5; and section 1221, the term wages shall include payments made to a claimant pursuant to Title 39, sections 54 and 55, the Workers' Compensation Act and Title 39, sections 188 and 189, the Occupational Disease Law.

**Sec. 2.** 26 MRSA § 1192, sub-§ 5, as last amended by PL 1975, c. 568, § 3, is further amended by adding a new sentence at the end to read:

In determining a claimant's qualification under this subsection, payments pursuant to Title 39, sections 54 and 55, the Workers' Compensation Act and Title 39, sections 188 and 189, the Occupational Disease Law, shall be considered wages for insured work.

**Sec. 3.** 26 MRSA § 1193, sub-§ 5, ¶ D is enacted to read:

**D. Weekly compensation benefits paid pursuant to the Workers' Compensation Act, Title 39 sections 54 and 55 and of the Occupational Disease Law, Title 39 sections 188 and 189.**

**Sec. 4. 26 MRSA § 1193, sub-§ 5, last ¶**, as amended by PL 1965, c. 381, § 18, is further amended to read:

If such remuneration under paragraphs A ~~and C~~ , C or D is less than the benefits which would otherwise be due under this chapter, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration, provided that any fraction of a dollar included in the weekly remuneration received shall be disregarded; except that, with respect to pension payments, no claimant will be disqualified from receiving benefits, nor will benefits be reduced, because of such payments if his benefits are based entirely on wages earned from employment other than that from which he retired; **except that, with respect to weekly worker's compensation and occupational disease payments, no claimant will be disqualified from receiving benefits, nor will benefits be reduced, for any week during which a contested petition for weekly worker's compensation or occupational disease benefits is pending before the Workers' Compensation Commission;**

#### STATEMENT OF FACT

This bill enables persons disabled by job-related injuries to preserve their eligibility for unemployment benefits following the disability. It also allows a set-off when a person qualifies for both worker's compensation and unemployment benefits.