

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1028

H. P. 821

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 Mrs. Lewis of Auburn.

Cosponsor: Mr. Cunningham of New Gloucester.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Clarify the Disqualification Provisions of the Employment Security
Law.

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

Sec. 1. 26 MRSA § 1193, sub-§ 1, ¶ A, first sentence, as repealed and replaced by PL 1977, c. 472, § 1, is amended to read:

For the week in which he left his regular employment voluntarily without good cause attributable to such employment, or to a claimant who has voluntarily removed himself from the labor market where presently employed to an area where employment opportunity is less frequent, if so found by the commission, and disqualification shall continue until claimant has earned 4 times his weekly benefit amount **in employment by an employer**; provided no disqualification shall be imposed if the individual establishes that he left employment in good faith and accepted new employment on a permanent full-time basis and he became separated from the new employment for good cause attributable to employment with the new employing unit.

Sec. 2. 26 MRSA § 1193, sub-§ 1, ¶ B, is amended to read:

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 **in employment by an employer**;

Sec. 3. 26 MRSA § 1193, sub-§ 2, as repealed and replaced by PL 1977, c. 472, § 2, is amended to read:

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 until claimant has earned 4 times his weekly benefit amount **in employment by an employer**.

Sec. 4. 26 MRSA § 1193, sub-§ 3, first paragraph, as amended by PL 1973, c. 555, § 14, is further amended to read:

For the duration of his unemployment subsequent to his having refused to accept an offer of suitable work for which he is reasonably fitted, or having refused to accept a referral to a suitable job opportunity when directed to do so by a local employment office of this State or another state or if an employer is unable to contact a former employee at least known or given address, for the purpose of recall to suitable employment; or the individual fails to respond to a request to report to the local office for the purpose of a referral to a suitable job, and the disqualification shall continue until claimant has earned 8 times his weekly benefit amount **in employment by an employer**; except, that, if the commission determines that refusal has occurred for cause of necessitous and compelling nature, the individual shall be ineligible for the week in which the refusal occurred and while such inability or unavailability continues.

Sec. 5. 26 MRSA § 1193, sub-§ 4, ¶ C, as enacted by PL 1971, c. 209, is amended to read:

C. He has obtained employment subsequent to the beginning of the stoppage of work and has earned at least 8 times his weekly benefit amount or has been **employed in employment by an employer for 5 full weeks**.

Sec. 6. 26 MRSA § 1193, sub-§ 7, is amended to read:

7. Discharged for crime. For the period of unemployment next ensuing with respect to which he was discharged for conviction of felony or misdemeanor in connection with his work. The ineligibility of such individual shall continue for all weeks subsequent until such individual has thereafter earned not less than \$400 in **employment by an employer**.

STATEMENT OF FACT

The purpose of this bill is to make it clear that an individual who has been disqualified from receiving benefits may requalify only by earning the required multiple of his weekly benefit as wages for employment. Under present law, it is unclear whether earnings in the form of interest, dividends and income other than wages suffice for requalification purposes.