

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
109TH LEGISLATURE  
FIRST REGULAR SESSION

(Filing No. H-605)

COMMITTEE AMENDMENT "A" to H.P. 1096, L.D. 1449, Bill, "AN ACT to Amend Certain Provisions of the Employment Security Law."

Amend the bill by inserting after the enacting clause the following:

'Sec. 1. 1 MRSA §2501, sub-§26, as enacted by PL 1977, c.547, §1, is repealed.'

Further amend the bill by striking out in the first line after the enacting clause the following: "Sec. 1." and inserting in its place the following: 'Sec. 1-A.'

Further amend the bill by inserting after "Sec. 5." the following:

'Sec. 5-A. 26 MRSA §1043, sub-§24, as enacted by PL 1979, c.165, §1, is repealed and the following enacted in its place:

24. Insured worker. An "insured worker" is an individual who has been paid wages of at least \$250 for insured work in each of 2 different quarters in his base period and has been paid total wages of at least \$900 in his base period for insured work. For each individual establishing a benefit year on or after January 1, 1980, an "insured worker" is an individual who has been paid wages equal to or exceeding 2 times the annual average weekly wage for insured work in each of 2 different quarters in his base period and has been paid total wages equal to or exceeding 6 times the annual average weekly wage in his base period for insured work. The annual average weekly wage amount to be used for

purposes of this subsection shall be that which is applicable at the time the individual files a request for determination of his insured status.'

Further amend the bill by inserting after "Sec. 9." the following:

'Sec. 9-A. 26 MRSA §1082, sub-§5, last sentence is amended to read:

Each member of the advisory council shall be compensated in the amount of ~~§20~~ §25 for each day in attendance upon a meeting of the council in addition to reimbursement for any necessary expenses.'

Further amend the bill by inserting after "Sec. 13." the following:

'Sec. 13-A. 26 MRSA §1192, sub-§5, first sentence, as enacted by PL 1979, c.165, §2, is amended to read:

For each eligible individual establishing a benefit year on or after January 1, 1980, he has been paid wages equal to or exceeding 2 times the annual average weekly wage for insured work in each of 2 different quarters in his base period and has been paid total wages equal to or exceeding ~~7~~ 6 times the annual average weekly wage in his base period for insured work.'

Further amend the bill in "Sec. 16." by striking out in the last line (2nd in L.D.) the phrase: "or other good cause"

Further amend the bill by inserting after "Sec. 16." the following:

'Sec. 16-A. 26 MRSA §1193, sub-§8 is enacted to read:

8. Retirement benefits. For any week with respect to which he is receiving, is entitled to receive or has received retirement income in accordance with the following provisions:

A. Notwithstanding any other provisions of this chapter, for weeks beginning after March 31, 1980, the entire prorated weekly amount of any governmental or other pension, retirement or retired pay, annuity or any other similar periodic payment which is based on any previous work of the individual shall be deducted from his weekly benefit payment if the deduction is required as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act.

B. If at any time following the enactment of this subsection, paragraph A or any provision thereof shall not be required by federal law in order for an eligible employer to qualify for full tax credit against the tax imposed by the Federal Unemployment Tax Act, then paragraph A or the provision thereof no longer required shall have no force or effect.'

Further amend the bill by inserting after "Sec. 17." the following:

'Sec. 17-A. 26 MRSA §1224, first sentence is amended to read:

All employers, exempt from the weekly payment of wage law of this State, ~~shall~~ may be required to report to the commission all accrued wages payable for employment during the calendar year-up-to-and-including-December-31st-of-such-calendar year quarter when filing payroll reports in accordance with section 1082, subsection 13 under such regulations as the commission may prescribe.'

Further amend the bill by inserting after "Sec. 18." the following:

'Sec. 19. 26 MRSA §§1602, 1603 and 1604, as enacted by PL 1977, c.547, §2, are repealed and the following enacted in their place:

§1602. Displaced Homemaker Program

The Department of Manpower Affairs shall establish a program to provide job counseling, job training, job placement and referral services to displaced homemakers.

§1603. Commissioner

1. Powers. The Commissioner of Manpower Affairs, hereinafter referred to as the commissioner, shall administer the Displaced Homemakers Program. The commissioner may delegate any or all of the authority granted him by this chapter to other personnel within the Department of Manpower Affairs.

2. Regulations. The commissioner shall promulgate any regulations necessary to carry out the purposes of this chapter.

§1604. Displaced Homemakers Advisory Council

1. Membership. The Displaced Homemakers Advisory Council, hereinafter in this chapter called the "council," shall be composed of the following individuals:

A. The Commissioner of Manpower Affairs, or the commissioner's designee; and

B. Nine individuals who have experience with the problems of displaced homemakers, career counseling or adult vocational education. The members shall be appointed by the Governor. The council shall elect its own chairman.

2. Responsibility. The Displaced Homemakers Advisory Council shall advise the commissioner on formulating policies related to the administration of this chapter.'

Further amend the bill by inserting at the end before the Statement of Fact the following:

'Sec. 20. 26 MRSA §§1605, 1606, 1607, 1608 and 1609, as enacted by PL 1977, c.547, §2, are repealed.'

Statement of Fact

The purposes of this amendment are to:

1. Remove an unnecessary phrase;
2. Amend the definition of insured worker so as not to become effective until January 1, 1980 to be consistent with the eligibility requirements of section 1192, subsection 5;
3. Increase the per diem for advisory council members from \$20 to \$25;
4. Make the law read consistently in section 1192, subsection 5;

5. Provide that Social Security Old Age Benefits, Federal Civilian and Military Pensions, disability payments based on retirement from work and pension payments based on previous work shall be deducted from unemployment benefits for compliance with ~~the Federal Unemployment Tax Act (FUTA),~~ <sup>Section 3305 (a) (15).</sup> Paragraph B ~~Provides for~~ automatic postponement of implementation or repeal of paragraph A in the event of Congressional change in the current FUTA provision for this pension reduction as has been recommended by the National Commission on Unemployment Compensation;
6. Provide that employers exempt from the weekly payment of wages may be required to report accrued wages payable for employment on a quarterly basis rather than an annual basis;  
and
7. Establish a program to provide job counseling, training, placement and referral services to ~~Displaced~~ ~~Homemakers~~ within the Department of Manpower Affairs.

Reported by the Majority of the Committee on Labor  
Reproduced and distributed under the direction of the  
Clerk of the House.

6/2/79 (Filing No. H-605)