

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 769

H. P. 665

House of Representatives, February 10, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Beaulieu of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Permit the Employment Security Commission Wider Discretion in Determining Eligibility for Unemployment Compensation Benefits.

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

Sec. 1. 26 MRSA § 1192, sub-§ 3, as last amended by PL 1979, c. 579, § 22 and c. 651, §§ 23 and 47, is further amended to read:

3. Is able and available for work. He is able to work and is available for full-time work ~~at his usual or customary trade, occupation, profession or business or in such other trade, occupation, profession or business for which his prior training or experience shows him to be fitted or qualified~~ **which is suitable in accordance with section 1193, subsection 3**, and in addition to having complied with subsection 2 is himself actively seeking work in accordance with the regulations of the commission; provided that an unemployed individual who is neither able nor available for work due to good cause as determined by the commission shall be eligible to receive prorated benefits for that portion of the week during which he was able and available;

Sec. 2. 26 MRSA § 1193, sub-§ 3, ¶ B, sub-¶ (3) is amended to read:

(3) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization; ~~and~~

Sec. 3. 26 MRSA § 1193, sub-§ 3, ¶ B, sub-¶ (4), as enacted by PL 1977, c. 536, is amended to read:

(4) If the position offered is the same one previously vacated by the claimant for good cause attributable to that employment or is the position which the employee left for reasons attributable to that employment, but which were found insufficient to relieve disqualification for benefits under subsection 1, paragraph A, provided that, in either instance, the specific good cause or specific reasons for leaving have not been removed or otherwise changed; and

Sec. 4. 26 MRSA § 1193, sub-§ 3, ¶ B, sub-¶ (5) is enacted to read:

(5) If the position is refused because of parental or domestic obligation, provide that, in spite of the refusal, reasonable prospects for employment remain.

STATEMENT OF FACT

Present law requires an unemployment compensation claimant to be available for and to accept any job for which he is considered suited even if that job is irreconcilable with his other responsibilities.

This requirement places an extreme burden on families with members who work in multi-shift industry who essentially must be available for work 24 hours a day. Particularly harmed are single parent families or families in which both parents must work and for whom child care and other domestic responsibilities cannot be reconciled with the hours demanded by the proposed work. These families must choose between loss of unemployment benefits or neglect of their familial duty.

This bill recognizes the need to create a balance between these competing obligations. It eliminates the penalty for a person who is unable to accept a certain job for the reasons specified above, while requiring that, in spite of this limitation, reasonable prospects for work remain.