

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1048

H. P. 879

House of Representatives, February 26, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative L. Higgins of Scarborough.

Cosponsor: Representative Cunningham of New Gloucester.

STATE OF MAINE

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

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 at the end a new paragraph to read:

The amount of benefits payable to an eligible individual with respect to any week of total employment 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 last amended by PL 1979, c. 515, § 12, 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 than 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~~ 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 as a volunteer fireman or as 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 amount by the amount of holiday pay.