

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TENTH LEGISLATURE
4

5 **Legislative Document**

No. 1743

6
7 H. P. 1753

Office of the Clerk of the House

8 Submitted by the Department of Labor pursuant to Joint Rule 24.

9 Reference to the Committee on Labor suggested and 1,400 Ordered

10 Printed.

11 EDWIN H. PERT, Clerk

12 Presented by Representative Beaulieu of Portland.
13

14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-TWO
18

19 AN ACT to Amend the Employment Security Law to
20 Include Federal Requirements and Other Options Available
21 to the State.
22

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

24 **Sec. 1.** 26 MRSA §1191, sub-§7 is enacted to read:

25 7. Child support obligations deducted and withheld
26 from benefits. Child support obligations shall be deducted
27 and withheld from benefits as follows.

28 A. An individual filing a new claim for unemployment
29 compensation on and after October 1, 1982, shall, at
30 the time of filing the claim, disclose whether or not
31 the individual owes child support obligations as de-

1 fin
2 ed under paragraph G. If any such individual dis-
3 closes that he owes child support obligations, and is
4 determined to be eligible for unemployment compensa-
5 tion, the commissioner shall notify the state or local
6 child support enforcement agency enforcing the obli-
7 gation that the individual has been determined to be
eligible for unemployment compensation.

8 B. Notwithstanding any other provisions of this chap-
9 ter, the commissioner shall deduct and withhold from
10 any unemployment compensation payable to an individual
11 who owes child support obligations as defined under
12 paragraph G:

13 (1) The amount specified by the individual to the
14 commissioner to be deducted and withheld under
15 this subsection, if neither subparagraph (2) nor
16 subparagraph (3) is applicable;

17 (2) The amount, if any, determined pursuant to an
18 agreement submitted to the commissioner under the
19 United States Social Security Act, Section 454
20 (20) (B) (i), by the state or local child support
21 enforcement agency, unless subparagraph (3) is
22 applicable; or

23 (3) Any amount otherwise required to be so
24 deducted and withheld from the unemployment com-
25 pensation pursuant to legal process, as that term
26 is defined in the United States Social Security
27 Act, Section 462 (e), properly served upon the
28 commissioner.

29 C. Any amount deducted and withheld under paragraph B
30 shall be paid by the commissioner to the appropriate
31 state or local child support enforcement agency.

32 D. Any amount deducted and withheld under paragraph B
33 shall for all purposes be treated as if it were paid to
34 the individual as unemployment compensation and paid by
35 the individual to the state or local child support
36 enforcement agency in satisfaction of the individual's
37 child support obligations.

38 E. For purposes of paragraphs A to D, the term, "unem-
39 ployment compensation" means any compensation payable
40 under this chapter, including amounts payable by the
41 commissioner pursuant to an agreement under any federal
42 law providing for compensation, assistance or allow-
43 ances with respect to unemployment.

1 F. This subsection applies only if appropriate
2 arrangements have been made for reimbursement by the
3 state or local child support enforcement agency for the
4 administrative costs incurred by the commissioner under
5 this subsection which are attributable to child support
6 obligations being enforced by the state or local child
7 support enforcement agency.

8 G. The term "child support obligations" is defined for
9 purposes of this subsection as including only obli-
10 gations which are being enforced pursuant to a plan de-
11 scribed in the United States Social Security Act,
12 Section 454, which has been approved by the Secretary
13 of Health and Human Services under the United States
14 Social Security Act, Title IV, Part D.

15 H. The term "state or local child support enforcement
16 agency" as used in this subsection means any agency of
17 this State or a political subdivision thereof oper-
18 ating pursuant to a plan described in paragraph G.

19 Sec. 2. 26 MRSA §1192, sub-§6-A is enacted to read:

20 6-A. Prohibition against disqualification of individu-
21 als in approved training under the United States Trade Act
22 of 1974. Notwithstanding any other provisions of this chap-
23 ter, no otherwise eligible individual may be denied benefits
24 for any week because he is in training approved under the
25 United States Trade Act of 1974, Section 236 (a) (1), nor
26 may that individual be denied benefits by reason of leaving
27 work to enter that training, provided the work left is not
28 suitable employment, or because of the application to any
29 such week in training of provisions in this chapter, or any
30 applicable federal unemployment compensation law, relating
31 to availability for work, active search for work or refusal
32 to accept work. Benefits paid to any eligible claimant
33 while in such training for which, except for this subsec-
34 tion, the claimant could be disqualified under section 1193,
35 subsection 3, shall not be charged against the experience
36 rating record of any employer but shall be charged to the
37 General Fund.

38 For purposes of this subsection, the term "suitable employ-
39 ment" means with respect to an individual, work of a sub-
40 stantially, equal or higher skill level than the individual's
41 past adversely affected employment, as defined for purposes
42 of the United States Trade Act of 1974, and wages for such
43 work at not less than 80% of the individual's average weekly
44 wage as determined for the purposes of the United States
45 Trade Act of 1974.

1 **Sec. 3.** 26 MRSA §1195, sub-§1, ¶C, as enacted by PL
2 1971, c. 119, is repealed and the following enacted in its
3 place:

4 C. Extended benefit period. "Extended benefit period"
5 means a period which:

6 (1) Begins with the 3rd week after a week for
7 which there is a state "on" indicator; and

8 (2) Ends with either of the following weeks,
9 whichever occurs later:

10 (a) The 3rd week after the first week for
11 which there is a state "off" indicator; or

12 (b) The 13th consecutive week of such
13 period; provided that no extended benefit
14 period may begin by reason of a state "on"
15 indicator before the 14th week following the
16 end of a prior extended benefit period which
17 was in effect with respect to this State.

18 **Sec. 4.** 26 MRSA §1195, sub-§1, ¶¶E and F, as repealed
19 and replaced by PL 1977, c. 570, §24, are repealed.

20 **Sec. 5.** 26 MRSA §1195, sub-§1, ¶H, sub-¶ (2), as
21 enacted by PL 1971, c. 119, is amended to read:

22 (2) Was less than 4%, except that for weeks
23 beginning after September 25, 1982, the percentage
24 shall be 5%.

25 **Sec. 6.** 26 MRSA §1195, sub-§1, ¶I, sub-¶ (2), as
26 enacted by PL 1971, c. 119, is amended to read:

27 (2) Equaled or exceeded 4%, except that for weeks
28 beginning after September 25, 1982, the percent-
29 age shall be 5%.

30 **Sec. 7.** 26 MRSA §1195, sub-§1, ¶L, as repealed and
31 replaced by PL 1977, c. 247, is amended by adding at the end
32 a new sentence to read:

33 For weeks beginning after September 25, 1982, the figure 5
34 in subparagraph (2) shall be 6.

35 **Sec. 8.** 26 MRSA §1195, sub-§3, ¶B, as enacted by PL
36 1971, c. 119, is amended to read:

1 B. He has satisfied the requirements of this chapter
2 for the receipt of regular benefits that are applicable
3 to individuals claiming extended benefits, including
4 not being subject to a disqualification for the receipt
5 of benefits; and

6 Sec. 9. 26 MRSA §1195, sub-§3, ¶C is enacted to read:

7 C. For each individual who files an initial claim for
8 extended benefits after September 25, 1982, he has been
9 paid wages for insured work during his base period
10 equal to at least 1 1/2 times the wages paid in that
11 calendar quarter of his base period in which those
12 wages were highest.

13 Sec. 10. 26 MRSA §1195, sub-§5, as enacted by PL 1971,
14 c. 119, is amended by adding at the end a new paragraph to
15 read:

16 Notwithstanding any other provisions of this chapter, if the
17 benefit year of any individual ends within an extended bene-
18 fit period, the remaining balance of extended benefits that
19 the individual would, except for this subsection, be enti-
20 tled to receive in that extended benefit period, with
21 respect to weeks of unemployment beginning after the end of
22 the benefit year, shall be reduced, but not below zero, by
23 the product of the number of weeks for which the individual
24 received any amounts as trade readjustment allowances within
25 that benefit year, multiplied by the individual's weekly
26 benefit amount for extended benefits.

27 Sec. 11. 26 MRSA §1195, sub-§7, as amended by PL 1977,
28 c. 675, §21, is further amended to read:

29 7. Beginning and termination of extended benefit
30 period. Whenever an extended benefit period is to become
31 effective in this State, ~~or in all states,~~ as a result of a
32 state ~~or~~ a national "on" indicator, or an extended benefit
33 period is to be terminated in this State as a result of a
34 state "off" indicator ~~or state and national-~~ "off"- indica-
35 tors, the commissioner shall make an appropriate public
36 announcement.

37 Statement of Fact

38 This bill is required for conformity with federal re-
39 quirements, as enacted by Congress under the United States
40 Omnibus Budget Reconciliation Act of 1981, Public Law 97-35.

1 Section 1 provides for child support obligations to be
2 deducted and withheld from unemployment benefits.

3 Section 2 prohibits denial of unemployment benefits to
4 individuals in approved training under the United States
5 Trade Act of 1974.

6 Sections 3 and 4 eliminate reference to the national
7 extended benefit trigger which was repealed by the United
8 States Public Law 97-35.

9 Sections 5 and 6 change the state trigger for extended
10 benefits as mandated by the United States Public Law 97-35.

11 Section 7 is a state option to trigger "on" or "off" an
12 extended benefit period, which is currently in the state
13 law. If it remains a part of the law the percentage must be
14 increased to 6%.

15 In sections 8 and 9, United States Public Law 97-35,
16 requires that an individual claiming extended benefits must
17 meet new work standards for eligibility, in addition to the
18 requirements for regular benefits. This provision is one of
19 the options available for conformity.

20 Section 10 provides that extended benefit entitlement
21 be reduced by the amount of trade readjustment allowances
22 made to an individual in his benefit year.