

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TENTH LEGISLATURE
4

5 **Legislative Document**

No. 1888

6
7 H. P. 1903 House of Representatives, January 27, 1982
Approved for introduction by the Legislative Council pursuant to
Joint Rule 26.

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

EDWIN H. PERT, Clerk

Presented by Representative Tuttle of Sanford.

9
10 STATE OF MAINE
11

12 IN THE YEAR OF OUR LORD
13 NINETEEN HUNDRED AND EIGHTY-TWO
14

15 **AN ACT to Modify the Base Period for**
16 **Purposes of Determining Eligibility for**
17 **Unemployment Compensation Benefits.**
18

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

20 **Sec. 1. 26 MRSA §1043, sub-§3, as amended by PL 1973,**
21 **c. 555, §4, is repealed and the following enacted in its**
22 **place:**

23 **3. Base period. "Base period" means the calendar year**
24 **immediately preceding any benefit year.**

25 **Sec. 2. 26 MRSA §1043, sub-§5, first ¶, as repealed**
26 **and replaced by PL 1965, c. 381, §2, is amended to read:**

27 "Benefit year" means the one-year period beginning with the
28 date with respect to which an insured worker files a request
29 for determination of his insured status, and thereafter the
30 one-year period beginning with the date with respect to
31 which he next files such a request after the end of his last

1 preceding benefit year. No new benefit year may be estab-
2 lished until a preceding benefit year has terminated. If an
3 insured worker files a request for determination of his
4 insured status during a week in which one- calendar- quarter
5 ends and another begins, the last week in December, the ben-
6 efit year for applicable base period identity purposes shall
7 be deemed to begin on the first day of the new calendar
8 quarter the date of filing or on January 1st of the ensuing
9 year, at the applicant's option.

10 Sec. 3. 26 MRSA §1192, sub-§5, as last amended by PL
11 1979, c. 515, §13-A, is further amended to read:

12 5. Has earned wages. For each eligible individual
13 establishing a benefit year on or after January 1, 1980, he
14 has been paid wages equal to or exceeding 2 times the annual
15 average weekly wage for insured work in each of 2- different
16 quarters- in- his- base period and has been paid total wages
17 equal to or exceeding 6 times the annual average weekly wage
18 in his base period for insured work. The annual average
19 weekly wage amount to be used for purposes of this subsec-
20 tion shall be that which is applicable at the time the indi-
21 vidual files a request for determination of his insured
22 status. For the purpose of this subsection wages shall be
23 counted as "wages for insured work" for benefit purposes
24 with respect to any benefit year only if such benefit year
25 begins subsequent to the date on which the employer by whom
26 such wages were paid has satisfied the conditions of section
27 1043, subsection 9 or section 1222, subsection 3, with
28 respect to becoming an employer; ~~provided no individual may~~
29 ~~receive benefits in a benefit year, unless, subsequent to~~
30 ~~the beginning of the next preceding benefit year during~~
31 ~~which he received benefits, he performed services, whether~~
32 ~~or not in employment as defined in section 1043, subsection~~
33 ~~11, and earned remuneration for such service in an amount~~
34 ~~equal to not less than 8 times his weekly benefit amount in~~
35 ~~the benefit year being established. This subsection applies~~
36 ~~only to any individual requesting determination of insured~~
37 ~~status on and after January 1, 1972. No benefits may be~~
38 ~~paid to an applicant who has already received benefits in a~~
39 ~~previous benefit year unless that applicant has performed~~
40 ~~services, whether or not in employment as defined in section~~
41 ~~1043, subsection 11, and earned remuneration for such ser-~~
42 ~~vice in the appropriate base period in an amount equal to~~
43 ~~not less than 8 times the weekly benefit amount for the new~~
44 ~~benefit year being established. In determining a claimant's~~
45 ~~qualification under this subsection, payments pursuant to~~
46 ~~Title 39, sections 54 and 55, the Workers' Compensation Act,~~
47 ~~and Title 39, sections 188 and 189, the Occupational Disease~~

1 Law, shall be considered wages for insured work.

2 STATEMENT OF FACT

3 The purpose of this bill is to change the base period
4 for purposes of determining eligibility for unemployment
5 compensation benefits from quarters to a yearly basis. The
6 minimum amount of earnings required to qualify for unemploy-
7 ment compensation benefits remains unchanged except that the
8 period in which earnings must occur is changed from 2 of the
9 preceding 4 quarters to any time during the preceding calen-
10 dar year.

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