

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
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3 ONE HUNDRED AND ELEVENTH LEGISLATURE
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5 Legislative Document

No. 498

7 H.P. 415

House of Representatives, February 1, 1983

8 Received by the Clerk of the House on February 1, 1983. Referred to the
9 Committee on Labor, and ordered printed pursuant to Joint Rule 14.

10 EDWIN H. PERT, Clerk

Presented by Representative Andrews of Portland.

12 STATE OF MAINE
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14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Permit the Employment Security
18 Commission Wider Discretion in Determining
19 Eligibility for Unemployment Compensation
20 Benefits.
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22 Be it enacted by the People of the State of Maine as
23 follows:

24 Sec. 1. 26 MRSa §1192, sub-§3, as amended by PL
25 1979, c. 651, §§23 and 47, is further amended to
26 read:

27 3. Is able and available for work. He is able to
28 work and is available for full-time work at his usual
29 or customary trade, occupation, profession or busi-
30 ness or in such other trade, occupation, profession
31 or business for which his prior training or experi-
32 ence shows him to be fitted or qualified which is
33 suitable in accordance with section 1193, subsection
34 3; and in addition to having complied with subsection

1 2 is himself actively seeking work in accordance with
2 the regulations of the commission; provided that an
3 unemployed individual who is neither able nor avail-
4 able for work due to good cause as determined by the
5 commission shall be eligible to receive prorated ben-
6 efits for that portion of the week during which he
7 was able and available;

8 Sec. 2. 26 MRSA §1193 sub-§3, ¶B, as amended by
9 PL 1977, c. 536, is further amended to read:

10 B. Notwithstanding any other provisions of this
11 chapter, no work ~~shall~~ may be deemed suitable and
12 benefits ~~shall~~ may not be denied under this chap-
13 ter to any otherwise eligible individual for
14 refusing to accept new work under any of the fol-
15 lowing conditions:

16 (1) If the position offered is vacant due
17 directly to a strike, lockout or other labor
18 dispute;

19 (2) If the wages, hours or other conditions
20 of work are substantially less favorable to
21 the individual than those prevailing for
22 similar work in the locality;

23 (3) If, as a condition of being employed,
24 the individual would be required to join a
25 company union or to resign from or refrain
26 from joining any bona fide labor organiza-
27 tion; ~~and~~

28 (4) If the position offered is the same one
29 previously vacated by the claimant for good
30 cause attributable to that employment or is
31 the position which the employee left for
32 reasons attributable to that employment, but
33 which were found insufficient to relieve
34 disqualification for benefits under subsec-
35 tion 1, paragraph A, provided that, in
36 either instance, the specific good cause or
37 specific reasons for leaving have not been
38 removed or otherwise changed; and

39 (5) If the position is refused because of
40 parental or domestic obligation, provided

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that, in spite of the refusal, reasonable prospects for employment remain.

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STATEMENT OF FACT

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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.

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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.

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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.

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