

MAINE STATE LEGISLATURE

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L.D. 597
(Filing No. H- 71)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
111TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 349,
L.D. 597, Bill, "AN ACT to Provide for Leaves of Ab-
sence for Employees Elected to the Legislature,
Excluding Employees Covered under Provisions Dealing
with Teachers."

Amend the bill by striking out all of the first
line after the enacting clause (page one, line 24 in
L.D.) and inserting in its place the following:

'Sec.1. 26 MRSA c. 7, sub-c. V-A is enacted to
read:'

Further amend the bill by striking out all of
that part designated "§822." (page 2, lines 15 to 21
in L.D.) and inserting in its place the following:

'§822. Exception for employer with 5 or fewer
employees

This subchapter is not applicable if the employer
employs 5 or fewer persons immediately prior to the
first day of the leave of absence.'

Further amend the bill in that part designated
"§824." by striking out all of subsection 3 (page 3,
lines 27 to 29 in L.D.).

Further amend the bill by adding at the end
before the Statement of Fact the following:

'Sec. 2. 26 MRSA §1221, sub-§3, ¶A, as amended
by PL 1979, c. 651, §46, is further amended to read:

A. At the time the status of an employing unit
is ascertained to be that of an employer, the

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1 deputy shall establish and thereafter maintain
2 until such employer status is terminated, for
3 each such employer an "experience rating record,"
4 to which shall be credited all the contributions
5 which the employer thereafter pays on his own
6 behalf. Nothing in this chapter shall be con-
7 strued to grant any employer or individuals in
8 his service prior claims or rights to the amounts
9 paid by him into the fund. Benefits paid to an
10 eligible individual under the Maine Employment
11 Security Law shall be charged against the "expe-
12 rience rating record" of the claimant's most
13 recent subject employer or to the General Fund if
14 the otherwise chargeable "experience rating
15 record" is that of an employer whose status as
16 such has been terminated; except that no charge
17 shall be made to an individual employer but shall
18 be made to the General Fund if the commission
19 finds that:

20 (1) Claimant's separation from his last
21 employer was for misconduct in connection
22 with his employment, or was voluntary with-
23 out good cause attributable to such
24 employer; ~~or~~

25 (2) Claimant has refused to accept reem-
26 ployment in suitable work when offered by a
27 previous employer, without good cause
28 attributable to such employer; ~~or~~

29 (3) Benefits paid are not chargeable
30 against any employer's experience rating
31 record in accordance with section 1194, sub-
32 section 11, paragraphs B and C; ~~or~~

33 (5) Reimbursements are made to a state, the
34 Virgin Islands or Canada for benefits paid
35 to a claimant under a reciprocal benefits
36 arrangement as authorized in section 1082,
37 subsection 12; provided that the wages of
38 the claimant transferred to such other

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1 state, the Virgin Islands or Canada under
2 such arrangement are less than the amount of
3 wages for insured work required for benefit
4 purposes by section 1192, subsection 5-; or

5 (6) Claimant was hired by his last employer
6 to fill a position left open by a Legislator
7 given a leave of absence under chapter 7,
8 subchapter V-A, and claimant's separation
9 from this employer was because the employer
10 restored the Legislator to the position
11 after his leave of absence as required by
12 chapter 7, subchapter V-A.'

13

STATEMENT OF FACT

14 This amendment removes the provisions of Title
15 26, section 822, which requires an employer to main-
16 tain full sick leave, vacation time and other
17 employee benefits despite the employee's leave of ab-
18 sence. Under this amendment, these are left as sub-
19 jects to be negotiated between the employer and
20 employee.

21 The original bill granted an exemption to an
22 employer with 5 or fewer employees, but placed the
23 exemption as a subsection of section 824 on appeal
24 rights. Under this amendment, the exemption is
25 renumbered as a new section 822 to make it clear that
26 these employers are exempt from the entire subchap-
27 ter.

28 In addition, the amendment adds a provision to
29 the unemployment compensation laws concerning benef-
30 its paid to employees hired to replace Legislators
31 while on leave of absence. Any unemployment benefits
32 paid to these replacement employees who are dis-
33 charged when the Legislator returns to work shall be
34 charged to the Unemployment Compensation Fund rather
35 than charged against the employer's experience

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1 rating. This avoids further financial hardship on an
2 employer whose employee takes a leave of absence to
3 serve in the Legislature.

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Reported by the Majority of the Committee on Labor
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3/16/83 (Filing No. H-71)