

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 760

7 H.P. 612

House of Representatives, February 15, 1983

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

10 EDWIN H. PERT, Clerk

Presented by Representative Hobbins of Saco.
11

12 STATE OF MAINE
13

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

17 AN ACT to Clarify the Spousal Leaving
18 Provision of the Employment Security Law.
19

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

22 26 MRSA §1193, sub-§1, ¶A, as amended by PL
23 1979, c. 651, §46, is further amended to read:

24 A. For the week in which he left his regular
25 employment voluntarily without good cause attrib-
26 utable to such employment, or to a claimant who
27 has voluntarily removed himself from the labor
28 market where presently employed to an area where
29 employment opportunity is less frequent, if so
30 found by the deputy, and disqualification shall
31 continue until claimant has earned 4 times his
32 weekly benefit amount in employment by an
33 employer; provided no disqualification shall be
34 imposed if the individual establishes that he

1 left employment in good faith and accepted new
2 employment on a permanent full-time basis and he
3 became separated from the new employment for good
4 cause attributable to employment with the new
5 employing unit. Leaving work shall not be con-
6 sidered voluntary without good cause when it is
7 caused by the illness or disability of the claim-
8 ant or of his immediate family and the claimant
9 took all reasonable precautions to protect his
10 employment status by having promptly notified his
11 employer as to the reasons for his absence and by
12 promptly requesting reemployment when he is again
13 able to resume employment; nor shall leaving work
14 be considered voluntary without good cause if the
15 leaving was necessary for the claimant to accom-
16 pany, follow or join his spouse or betrothed in a
17 new place of residence and he can clearly show
18 within 7 14 days upon arrival at the new place of
19 residence that he is married, is attached to an
20 attachment to the new labor market and is in all
21 respects able, available and actively seeking
22 suitable work;

23 STATEMENT OF FACT

24 The state law provides unemployment compensation
25 benefits to persons who must leave their employment
26 to follow their spouse to a new location. Past leg-
27 islatures have recognized the importance of maintain-
28 ing the family unit by providing financial support to
29 persons who must leave their job under those circum-
30 stances.

31 The Department of Labor presently interprets
32 this law very narrowly so as to provide benefit only
33 to persons who are married at the time that they
34 leave their employment. Benefits are refused to per-
35 sons who must leave their job to follow their
36 betrothed with the intention of marrying him or her
37 upon arrival at the new location. Oftentimes the
38 move occurs before the marriage because of demands of
39 the employment or to accommodate other family mem-
40 bers. Their situation is essentially the same as for
41 persons who are married at the time that they move
42 and the same policy goal of maintaining the family
43 unit applies in these cases as well.

1 This bill clarifies the present law by stating
2 that it must cover persons who leave to follow both
3 their spouse or betrothed, provided they are married
4 within 2 weeks of arrival at the new location.

5 This bill also changes from 7 to 14 days that
6 time within which a person must become attached to
7 the new labor market. This allows a more reasonable
8 period of time for the move and marriage to take
9 place.

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