

# 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. 1220

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7 H.P. 937

House of Representatives, March 16, 1983

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

10 EDWIN H. PERT, Clerk

Presented by Representative Callahan of Mechanic Falls.

Cosponsors: Senator Dow of Kennebec, Representative McCollister of  
11 Canton and Senator Hichens of York.

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12 STATE OF MAINE  
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14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
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17 AN ACT Concerning Charges to Agricul-  
18 tural Seasonal Employers for Benefits Paid  
19 to Unemployed Workers.  
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21 Be it enacted by the People of the State of Maine as  
22 follows:

23 26 MRSA §1251, sub-§2, as amended by PL 1977, c.  
24 694, §483, is further amended to read:

25 2. Regulations. The commission shall prescribe  
26 fair and reasonable regulations, pursuant to Title 5,  
27 section 8051 et seq., applicable to the payment of  
28 benefits to individuals whose qualifying wages in  
29 whole or in part were earned in seasonal industries,  
30 to the period during which benefits shall be payable  
31 to them and to charges to be made to experience  
32 rating records or general funds as a result of bene-  
33 fits so paid.

1 The commission shall prescribe regulations relating  
2 to seasonal determinations to insure that when an  
3 individual is employed by an agricultural seasonal  
4 employer and becomes unemployed during a seasonal  
5 period, and the individual earned no agricultural  
6 seasonal wages in his base period, that the experi-  
7 ence rating record of the agricultural seasonal  
8 employer shall be charged only with benefits for  
9 unemployment during the remainder of the seasonal  
10 period. The experience rating record of the most  
11 recent chargeable nonseasonal employer shall be  
12 charged with other unemployment benefits paid to the  
13 individual. The provisions of this paragraph shall  
14 apply whenever the benefits are not chargeable by law  
15 to the General Fund.

16 STATEMENT OF FACT

17 Certain agricultural industries have been deter-  
18 mined to be seasonal by the Employment Security Com-  
19 mission and are therefore covered by Title 26,  
20 section 1251 and the commission's rules. The intent  
21 of the law is that a seasonal employer should be  
22 charged for unemployment benefits only if the worker  
23 is unemployed during the remainder of the designated  
24 season. Further unemployment benefits paid to the  
25 worker should be charged to the last nonseasonal  
26 employer. The rationale for this situation is that  
27 the worker planned to work for the seasonal employer  
28 only for the rest of the season, not permanently,  
29 and, therefore, it is not fair to charge the seasonal  
30 employer for all benefits paid to the worker.

31 There is one gap in the law which this bill is  
32 designed to cover. Under current rules, the intent  
33 of the law is carried out if the employee has previ-  
34 ously worked for a seasonal employer during his base  
35 period. If a worker becomes unemployed during a  
36 seasonal period and has worked in seasonal industry  
37 before, charges for unemployment benefits are allo-  
38 cated between seasonal and nonseasonal employers. If  
39 a worker becomes unemployed during a seasonal period  
40 but has not worked in seasonal industry before, all  
41 unemployment benefits are charged against the most  
42 recent seasonal employer and not allocated between  
43 seasonal and nonseasonal employers.

1           This bill directs the commission to close this  
2 technical detail in the rules. The unemployment ben-  
3 efits to the employee will remain at the same level.

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