

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 2017
6

7 S.P. 731

In Senate, January 31, 1984

8 Reference to the Committee on Labor. Ordered printed and sent down for
9 concurrence.

Submitted by the Department of Labor pursuant to Joint Rule 24.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Dutremble of York.

11 Cosponsors: Representative Tuttle of Sanford and Representative
Zirnkilton of Mount Desert.

12 STATE OF MAINE
13

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

17 AN ACT to Amend Certain Sections of
18 the Law Related to the Department of Labor.
19

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

22 Sec. 1. 26 MRSA §1193, sub-§3, ¶B, as amended by
23 PL 1983, c. 257, §2, is further amended to read:

24 B. Notwithstanding any other provisions of this
25 chapter, ~~no work may~~ shall not be deemed suitable
26 and benefits shall not be denied under this chap-
27 ter to any otherwise eligible individual for re-
28 fusing to accept new work under any of the fol-
29 lowing conditions:

30 (1) If the position offered is vacant due
31 directly to a strike, lockout or other labor
32 dispute;

1 (2) If the wages, hours or other conditions
2 of work are substantially less favorable to
3 the individual than those prevailing for
4 similar work in the locality;

5 (3) If, as a condition of being employed,
6 the individual would be required to join a
7 company union or to resign from or refrain
8 from joining any bona fide labor organiza-
9 tion;

10 (4) If the position offered is the same one
11 previously vacated by the claimant for good
12 cause attributable to that employment or is
13 the position which the employee left for
14 reasons attributable to that employment, but
15 which were found insufficient to relieve
16 disqualification for benefits under subsec-
17 tion 1, paragraph A, provided that, in ei-
18 ther instance, the specific good cause or
19 specific reasons for leaving have not been
20 removed or otherwise changed; and

21 (5) If the position offered is on a shift,
22 the greater part of which falls between the
23 hours of midnight to 5 a.m., and is refused
24 because of parental obligation, the need to
25 care for an immediate family member, or the
26 unavailability of a personal care attendant
27 required to assist the unemployed individual
28 who is a handicapped person.

29 Sec. 2. 26 MRSA §1221, sub-§3, ¶A, as amended by
30 PL 1983, c. 128, §2, is further amended to read:

31 A. At the time the status of an employing unit
32 is ascertained to be that of an employer, the
33 deputy commissioner shall establish and thereaf-
34 ter maintain until such employer status is termi-
35 nated, for each such employer an "experience rat-
36 ing record," to which shall be credited all the
37 contributions which the employer thereafter pays
38 on his own behalf. Nothing in this chapter shall
39 be construed to grant any employer or individuals
40 in his service prior claims or rights to the
41 amounts paid by him into the fund. Benefits paid
42 to an eligible individual under the Maine Employ-

1 ment Security Law shall be charged against the
2 "experience rating record" of the claimant's most
3 recent subject employer or to the General Fund if
4 the otherwise chargeable "experience rating
5 record" is that of an employer whose status as
6 such has been terminated; except that no charge
7 shall be made to an individual employer but shall
8 be made to the General Fund if the commission
9 finds that:

10 (1) Claimant's separation from his last em-
11 ployer was for misconduct in connection with
12 his employment, or was voluntary without
13 good cause attributable to such employer;

14 (2) Claimant has refused to accept reem-
15 ployment in suitable work when offered by a
16 previous employer, without good cause at-
17 tributable to such employer;

18 (3) Benefits paid are not chargeable
19 against any employer's experience rating
20 record in accordance with section 1194, sub-
21 section 11, paragraphs B and C;

22 (4)

23 (5) Reimbursements are made to a state, the
24 Virgin Islands or Canada for benefits paid
25 to a claimant under a reciprocal benefits
26 arrangement as authorized in section 1082,
27 subsection 12; provided that the wages of
28 the claimant transferred to such other
29 state, the Virgin Islands or Canada under
30 such arrangement are less than the amount of
31 wages for insured work required for benefit
32 purposes by section 1192, subsection 5; or

33 (6) Claimant was hired by his last employer
34 to fill a position left open by a Legislator
35 given a leave of absence under chapter 7,
36 subchapter V-A, and claimant's separation
37 from this employer was because the employer
38 restored the Legislator to the position af-
39 ter his leave of absence as required by
40 chapter 7, subchapter V-A.

1 Sec. 3. 26 MRSA §1401, first ¶, as amended by PL
2 1983, c. 351, §37, is amended to read:

3 There is created and established the Department
4 of Labor to achieve the most effective utilization of
5 the employment and training resources in the State by
6 developing and maintaining an accountable state em-
7 ployment and training policy, by insuring safe work-
8 ing conditions and protection against loss of income
9 and by enhancing the opportunities of ~~the individual~~
10 individuals to improve his their economic status, to
11 consist of a Commissioner of Labor appointed by the
12 Governor, subject to review by the joint standing
13 committee of the Legislature having jurisdiction over
14 labor and to confirmation by the Legislature, to
15 serve at the pleasure of the Governor, and the fol-
16 lowing as created and established: The Unemployment
17 Insurance Commission, the Bureau of Employment Secu-
18 rity, the Bureau of Labor Standards, ~~the office of~~
19 Maine SETA the Bureau of Employment and Training
20 Programs, the State Employment and Training Council,
21 the State Job Training Coordinating Council staff the
22 Maine Job Training Council, the Private Industry
23 Council staff, the Employment and Training staff and
24 such other advisory, planning and coordinating coun-
25 cil staff, and such other advisory, planning and co-
26 ordinating committees as the commissioner deems nec-
27 essary to carry out the purposes of the statute.

28 Sec. 4. 26 MRSA §1401, sub-§2, as amended by PL
29 1983, c. 351, §37 and c. 489, §15, is repealed and
30 the following enacted in its place:

31 2. Personnel. Appoint to serve at his pleasure:

32 A. Assistant to the Commissioner;

33 B. Assistant to the Commissioner for Public Af-
34 fairs;

35 C. Director, Planning and Program Services;

36 D. Director, Bureau of Labor Standards;

37 E. Executive Director, Bureau of Employment Se-
38 curity;

