

# MAINE STATE LEGISLATURE

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(New Draft of H.P. 1552, L.D. 2031)

SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

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Legislative Document

No. 2315

H.P. 1755

House of Representatives, March 20, 1984

Reported by the Majority from the Committee on Labor and printed  
under Joint Rule 2.

EDWIN H. PERT, Clerk

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STATE OF MAINE

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

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AN ACT Concerning Benefits under the  
Unemployment Compensation Act.

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

Sec. 1. 26 MRSA §1251, sub-§1, as amended by PL  
1977, c. 694, §482, is further amended to read:

1. Seasonal industry. As used in this section,  
the term "seasonal industry" means an industry in  
which, because of the seasonal nature thereof, it is  
customary to operate only during a regularly recur-  
ring period or periods of less than 40 26 weeks in a  
calendar year. The commission shall, after investiga-  
tion and hearing, pursuant to Title 5, section 9051  
et seq., determine, and may thereafter from time to  
time redetermine, the longest seasonal period or pe-  
riods during which, by the best practice of the in-  
dustry in question, operations are conducted. Until

1 such determination by the commission, no industry  
2 ~~shall~~ may be deemed seasonal.

3 Sec. 2. 26 MRSA §1251, sub-§3, as repealed and  
4 replaced by PL 1975, c. 407, §2, is amended to read:

5 3. Exceptions

6 A. Any hotel, motel, inn, sporting camp or other  
7 lodging facility, including camps operated for  
8 boys and girls, restaurants and other eating es-  
9 tablishments, which customarily conducts its op-  
10 erations which are primarily related to the pro-  
11 duction of its characteristic goods or services  
12 for a regularly recurring period or periods ~~not~~  
13 ~~exceeding 180 days~~ of less than 26 weeks in any  
14 one year shall be deemed seasonal.

15 B. Any potato packing business which customarily  
16 operates during a regularly recurring period of  
17 ~~at least 140 working days~~ 26 or more weeks in a  
18 calendar year shall not be deemed seasonal.

19 STATEMENT OF FACT

20 This new draft does not entirely eliminate the  
21 unemployment compensation seasonality provisions as  
22 the original bill did. Instead, it reduces the maxi-  
23 mum length of a permissible season from the present  
24 40 weeks, the longest seasonality provision in the  
25 nation, to 26 weeks. Any business that operates more  
26 than half the year cannot rationally be considered  
27 "seasonal" and its employees should be treated in the  
28 same way as employees of other businesses. However,  
29 the new draft preserves the benefits of the present  
30 law for truly seasonal businesses.

31 Under current law, any hotel, motel, camp or res-  
32 taurant operating for a period not exceeding 180 days  
33 shall be deemed seasonal. This new draft changes  
34 that period to a period of less than 26 weeks.

35 Also under current law any potato packing busi-  
36 ness customarily operating for at least 140 working  
37 days shall not be deemed seasonal. This new draft  
38 changes that period to 26 weeks or more. These time

1 changes resolve a conflict between subsections 1 and  
2 3 which left unclear whether a business not meeting  
3 the time period requirements of subsection 3 could  
4 still petition for seasonal status using the regular  
5 subsection 1 procedures. Under the new law, a hotel  
6 or other such establishment operating less than 26  
7 weeks a year shall be seasonal, while those operating  
8 for longer periods do not qualify for seasonal status  
9 under either subsection. A potato packing business  
10 operating for 26 weeks or more each year shall not be  
11 seasonal but such a business operating for less than  
12 that time period could petition for seasonal status  
13 under subsection 1.

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