

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)  
2 (New Draft of H.P. 1427, L.D. 2017)  
3 SECOND REGULAR SESSION  
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE  
6

7 Legislative Document

No. 2122

8  
9 H.P. 1508 House of Representatives, March 4, 1986  
10 Reported by Representative Beaulieu from the Committee on Labor and  
11 printed under Joint Rule 2. Original bill sponsored by Speaker Martin of  
12 Eagle Lake. Cosponsored by Representative Tammaro of Baileyville,  
President Pray of Penobscot and Senator Dutremble of York.

EDWIN H. PERT, Clerk

13  
14 STATE OF MAINE  
15

16 IN THE YEAR OF OUR LORD  
17 NINETEEN HUNDRED AND EIGHTY-SIX  
18

19 AN ACT to Improve Retraining Opportunities  
20 for Dislocated Workers.  
21

22 **Emergency preamble.** Whereas, Acts of the Legis-  
23 lature do not become effective until 90 days after  
24 adjournment unless enacted as emergencies; and

25 Whereas, the State has suffered severe job losses  
26 because of major industrial and structural changes in  
27 our economy; and

28 Whereas, the loss of these jobs causes great  
29 hardship to the former workers and their families and  
30 increases the burden on the public in general; and

31 Whereas, there is an urgent need to enable these  
32 workers to participate in retraining programs by pro-  
33 viding them with financial support during their peri-  
34 od of retraining; and

1           Whereas, many workers presently in retraining  
2 programs feel they must drop out because they have  
3 lost the means to support themselves and their fami-  
4 lies while in training, as a result of the failure of  
5 Congress to reauthorize trade readjustment assistance  
6 allowances; and

7           Whereas, in the judgment of the Legislature,  
8 these facts create an emergency within the meaning of  
9 the Constitution of Maine and require the following  
10 legislation as immediately necessary for the preser-  
11 vation of the public peace, health and safety; now,  
12 therefore,

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

15           Sec. 1. 26 MRSA §1043, sub-§1-A is enacted to  
16 read:

17           1-A. Annual average weekly wage. "Annual aver-  
18 age weekly wage," as used to establish the maximum  
19 weekly benefit amount for purposes of this chapter,  
20 means 1/52 of aggregate total wages paid in Maine  
21 covered employment, as reported on employer contribu-  
22 tion reports for the calendar year, divided by the  
23 arithmetic mean of midmonth weekly covered employment  
24 reported on employer contribution reports for the  
25 calendar year.

26           Sec. 2. 26 MRSA §1043, sub-§5, ¶A, as repealed  
27 and replaced by PL 1965, c. 381, §2, is repealed.

28           Sec. 3. 26 MRSA §1043, sub-§5, ¶B is enacted to  
29 read:

30           B. A dislocated worker, as defined in section  
31 1196, subsection 1, enrolled in a training pro-  
32 gram approved under section 1192, subsection 6,  
33 6-A or 6-B, who has exhausted his benefit year  
34 within 30 months of his enrollment in the train-  
35 ing program, shall have his expired benefit year  
36 reopened and continued by one week for each week  
37 or part of a week that he is in such training, up  
38 to a maximum of 26 weeks, provided that no bene-  
39 fits may be paid under this paragraph to any per-  
40 son:

1                   (1) Until the person has exhausted any un-  
2                   employment insurance benefits for which he  
3                   is eligible in a subsequent benefit year for  
4                   which he has qualified;

5                   (2) Until the person has exhausted benefits  
6                   for which he is eligible under any extended  
7                   unemployment insurance benefit program  
8                   funded in whole or in part by the Federal  
9                   Government;

10                   (3) Who is eligible for or who has ex-  
11                   hausted, after the effective date of this  
12                   paragraph, trade adjustment allowances as  
13                   provided by the United States Trade Act of  
14                   1974, Title II, Chapter 2, Public Law  
15                   93-617, United States Code, Title 19, Sec-  
16                   tion 2291, et seq., and any amendments or  
17                   additions thereto, or a similar successor  
18                   provision of that Act; or

19                   (4) For a subsequent enrollment in any  
20                   training program after his initial enroll-  
21                   ment, following the effective date of this  
22                   paragraph, and final termination of a train-  
23                   ing program approved under section 1192,  
24                   subsection 6, 6-A or 6-B.

25                   Sec. 4. 26 MRSA §1191, sub-§4, ¶A is enacted to  
26 read:

27                   A. If a dislocated worker, as defined in section  
28                   1196, subsection 1, who is in training approved  
29                   under section 1192, subsection 6, 6-A or 6-B,  
30                   qualifies for an extended benefit year under sec-  
31                   tion 1043, subsection 5, paragraph B, or exhausts  
32                   the maximum amount of benefits available to him  
33                   under this subsection, the maximum amount under  
34                   this subsection shall be increased by the product  
35                   of his weekly benefit amount multiplied by the  
36                   number of weeks in which he thereafter attends an  
37                   approved training program. No increase may be  
38                   made under this paragraph, with respect to any  
39                   benefit year, greater than 26 times the  
40                   individual's weekly benefit amount.

1           (1) Benefits paid to an individual under  
2 this paragraph shall not be charged against  
3 the experience rating record of any employ-  
4 er, but shall be charged to the general  
5 fund.

6           (2) No benefits may be paid under this par-  
7 agraph to any person:

8                   (a) Until the person has exhausted any  
9 unemployment insurance benefits for  
10 which he is eligible in a subsequent  
11 benefit year for which he has quali-  
12 fied;

13                   (b) Until the person has exhausted  
14 benefits for which he is eligible under  
15 any extended unemployment insurance  
16 benefit program funded in whole or in  
17 part by the Federal Government;

18                   (c) Who is eligible for or who has ex-  
19 hausted, after the effective date of  
20 this paragraph, trade adjustment allow-  
21 ances as provided by the United States  
22 Trade Act of 1974, Title II, Chapter 2,  
23 Public Law 93-617, United States Code,  
24 Title 19, Section 2291, et seq., and  
25 any amendments or additions thereto, or  
26 a similar successor provision of that  
27 Act; or

28                   (d) For a subsequent enrollment in any  
29 training program after his initial en-  
30 rollment, following the effective date  
31 of this paragraph, and final termina-  
32 tion of a training program approved un-  
33 der section 1192, subsection 6, 6-A or  
34 6-B.

35           Sec. 5. 26 MRSA §1196 is enacted to read:

36           §1196. Extended benefits for dislocated workers in  
37 approved training; sunset and review

38                   1. Dislocated worker defined. As used in this  
39 section; section 1043, subsection 5, paragraph B; and

1 section 1191, subsection 4, paragraph A, the term  
2 "dislocated worker" means:

3 A. An individual who:

4 (1) Has been terminated or laid off or who  
5 has received a notice of termination or lay-  
6 off from employment;

7 (2) Is eligible for or has exhausted his  
8 entitlement to unemployment compensation;  
9 and

10 (3) Is unlikely to return to his previous  
11 industry or occupation;

12 B. An individual who has been terminated or who  
13 has received a notice of termination of employ-  
14 ment, as a result of any permanent closure of a  
15 plant or facility; or

16 C. An individual who is long-term unemployed and  
17 has limited opportunities for employment or reem-  
18 ployment in the same or a similar occupation in  
19 the area in which he resides, including any older  
20 individual who may have substantial barriers to  
21 employment because of his age.

22 2. Annual report. The Commissioner of Labor  
23 shall report to the joint standing committee of the  
24 Legislature having jurisdiction over labor before  
25 March 1st of each year regarding the actions taken  
26 under section 1043, subsection 5, paragraph B, and  
27 section 1191, subsection 4, paragraph A. The report  
28 shall include:

29 A. The number of persons who receive benefits  
30 under those provisions;

31 B. The average length of time in training for  
32 persons who receive benefits under those provi-  
33 sions;

34 C. The average weekly benefit and average total  
35 amount of benefits paid to persons under those  
36 provisions;



1           This new draft extends the maximum length of un-  
2 employment benefits for persons in approved training  
3 in order to provide a minimal level of support for  
4 them during their period of retraining, up to a maxi-  
5 mum of 26 weeks. Benefits will be paid during this  
6 time only if the worker is actually enrolled in  
7 training. The new draft also ensures that the pro-  
8 gram will apply to only "dislocated workers" who face  
9 poor prospects in finding new employment without re-  
10 training. The new draft prevents a displaced worker  
11 from receiving extended benefits under this program  
12 twice by limiting the award of benefits to a worker  
13 to only his first training program. The new draft  
14 also requires a displaced worker to exhaust all other  
15 potential sources of additional unemployment benefits  
16 before he becomes eligible under this program. If  
17 the Federal Government reenacts trade adjustment al-  
18 lowances for workers displaced by imports, a worker  
19 who qualifies for such assistance will not also re-  
20 ceive benefits under this program; he may only re-  
21 ceive the trade allowances.

22           Finally, this new draft provides protection to  
23 the Unemployment Trust Fund by providing for an auto-  
24 matic repeal in 3 years or whenever the reserve mul-  
25 tiple falls below .245, indicating that the fund bal-  
26 ance has fallen to approximately \$35,000,000. Addi-  
27 tional protection is ensured by requiring an annual  
28 report by the Department of Labor describing the  
29 program's effectiveness and the status of the Unem-  
30 ployment Trust Fund.

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