

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND THIRTEENTH LEGISLATURE
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5 Legislative Document

NO. 92
6

7 H.P. 89 House of Representatives, January 26, 1987
8 Reference to the Committee on Labor suggested and ordered
9 printed.

10 Presented by Representative Hale of Sanford.
EDWIN H. PERT, Clerk
Cosponsored by Representative Seavey of Kennebunkport.

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12 STATE OF MAINE
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14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SEVEN
16

17 AN ACT to Amend the Employment Security Law
18 to Allow Benefits under Special
19 Conditions.
20

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

23 Sec. 1. 26 MRSA §1192, sub-§3, as repealed and
24 replaced by PL 1983, c. 816, Pt. A, §22, is amended
25 to read:

26 3. Is able and available for work. He is able
27 to work and is available for full-time work at his
28 usual or customary trade, occupation, profession or
29 business or in such other trade, occupation, profes-
30 sion or business for which his prior training or ex-
31 perience shows him to be fitted or qualified; and in
32 addition to having complied with subsection 2 is him-
33 self actively seeking work in accordance with the

1 regulations of the commission; provided that no ineligibility may be found solely because the claimant is
2 unable to accept employment on a shift, the greater
3 part of which falls between the hours of midnight to
4 5 a.m., and is unavailable for that employment because of parental obligation, the need to care for an
5 immediate family member, or the unavailability of a
6 personal care attendant required to assist the unemployed individual who is a handicapped person; further, provided that no ineligibility may be found
7 solely because the claimant is unable to accept employment on a shift, the greater part of which falls
8 between the hours of 9 a.m. and 5 p.m., and is unavailable for that employment because the claimant
9 must care for an immediate family member and the claimant can provide such confirmation as the commission
10 may require from the physician attending that family member; and provided that an unemployed individual who is neither able nor available for work due
11 to good cause as determined by the deputy shall be
12 eligible to receive prorated benefits for that portion
13 of the week during which he was able and available;
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24 Sec. 2. 26 MRSA §1193, sub-§3, ¶B, as amended by
25 PL 1983, c. 650, §1, is further amended to read:

26 B. Notwithstanding any other provisions of this
27 chapter, work shall not be deemed suitable and
28 benefits shall not be denied under this chapter
29 to any otherwise eligible individual for refusing
30 to accept new work under any of the following
31 conditions:

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

35 (2) If the wages, hours or other conditions
36 of work are substantially less favorable to
37 the individual than those prevailing for
38 similar work in the locality;

39 (3) If, as a condition of being employed,
40 the individual would be required to join a
41 company union or to resign from or refrain
42 from joining any bona fide labor organization;
43

1 (4) If the position offered is the same one
2 previously vacated by the claimant for good
3 cause attributable to that employment or is
4 the position which the employee left for
5 reasons attributable to that employment, but
6 which were found insufficient to relieve
7 disqualification for benefits under subsec-
8 tion 1, paragraph A, provided that, in ei-
9 ther instance, the specific good cause or
10 specific reasons for leaving have not been
11 removed or otherwise changed; and

12 (5) If the position offered is on a shift,
13 the greater part of which falls between the
14 hours of midnight to 5 a.m., and is refused
15 because of parental obligation, the need to
16 care for an immediate family member, or the
17 unavailability of a personal care attendant
18 required to assist the unemployed individual
19 who is a handicapped person; and

20 (6) If the position offered is on a shift,
21 the greater part of which falls between the
22 hours of 9 a.m. and 5 p.m., and is refused
23 because the individual must care for an im-
24 mediate family member and the individual can
25 provide such confirmation as the commission
26 may require from the physician attending
27 that family member.

28 STATEMENT OF FACT

29 This bill provides that unemployment compensation
30 benefits may not be denied to an individual solely
31 because that individual cannot work a shift between 9
32 a.m. and 5 p.m. because of the need to care for an
33 immediate family member.

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