

# MAINE STATE LEGISLATURE

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(New Draft of H.P. 483, L.D. 650)  
(New Title)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1355

H.P. 1008 House of Representatives, April 27, 1987  
Reported by the Majority from the Committee on Labor and  
printed under Joint Rule 2.

EDWIN H. PERT, Clerk

Original bill sponsored by Representative MICHAUD of East  
Millinocket. Cosponsored by Representatives PRIEST of  
Brunswick, CLARK of Millinocket and Senator USHER of  
Cumberland.

STATE OF MAINE

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

1 AN ACT to Provide Unemployment Compensation  
2 During Employer-initiated Lockouts.  
3

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

6 26 MRSa §1193, sub-§4, as amended by PL 1985, c.  
7 737, Pt. A, §72, is repealed and the following en-  
8 acted in its place:

9 4. Stoppage of work. For any week with respect  
10 to which the deputy, after notification by the Direc-  
11 tor of Unemployment Compensation under section 1194,  
12 subsection 2, finds that the individual's total or  
13 partial unemployment is due to a stoppage of work  
14 which exists because of a labor dispute at the facto-

1. ry, establishment or other premises at which he is or  
2 was employed, or there would have been a stoppage of  
3 work had substantially normal operations not been  
4 maintained with other personnel previously and cur-  
5 rently employed by the same employer and any other  
6 additional personnel which the employer may hire to  
7 perform tasks not previously done by the striking  
8 employees.

9 If in any case separate branches of work which are  
10 commonly conducted as separate businesses in separate  
11 premises are conducted in separate departments of the  
12 same premises, each such department, for the purposes  
13 of this subsection, shall be deemed to be a separate  
14 factory, establishment or other premises.

15 This subsection does not apply if it is shown to the  
16 satisfaction of the deputy that the individual:

17 A. Is not participating in or financing or di-  
18 rectly interested in the labor dispute that  
19 caused the stoppage of work;

20 B. Does not belong to a grade or class of work-  
21 ers of which, immediately before the commencement  
22 of the stoppage of work, there were members em-  
23 ployed at the premises at which the stoppage oc-  
24 curs, any of whom are participating in or financ-  
25 ing or directly interested in the dispute;

26 C. Has obtained employment after the commence-  
27 ment of the stoppage of work and has earned at  
28 least 8 times his weekly benefit amount in em-  
29 ployment by an employer or has been in employment  
30 by an employer for 5 full weeks;

31 D. Became unemployed because of a strike or  
32 lockout caused by:

33 (1) An employer's willful failure to ob-  
34 serve the terms of the safety and health  
35 section of a union contract;

36 (2) An employer's willful failure to comply  
37 in a timely fashion with an official cita-  
38 tion for a violation of federal and state  
39 laws involving occupational safety and  
40 health; or

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(3) The quitting of labor by an employee or employees in good faith because of an abnormally dangerous condition for work at the place of employment of that employee or employees;

This paragraph does not apply if the strike or lockout extends past the time of the employer's compliance with the safety and health section of the union contract, the employer's compliance with the official citation or the finding that an abnormally dangerous condition does not exist by a federal or state official empowered to issue official citations for violation of federal and state laws involving occupational safety and health; or

E. Became unemployed because of a lockout. For the purposes of this paragraph, a lockout exists when an employer fails to provide employment to his employees because of a labor dispute, whether or not the employees are directly or indirectly interested in the labor dispute, either by physically closing his plant or informing his employees that there will be no work until the labor dispute has ended;

1 STATEMENT OF FACT

2 This new draft expands the eligibility to receive  
3 unemployment benefits of persons unemployed due to a  
4 labor dispute. Current law prevents a person from  
5 receiving unemployment benefits if he is unemployed  
6 due to a stoppage of work caused by a labor dispute.  
7 The term "labor dispute" includes both  
8 employee-initiated strikes and employer-initiated  
9 lockouts of employees. In the case of a lockout, the  
10 employees are willing to work, but are prevented from  
11 doing so solely by the employer's refusal to allow  
12 them to work. Since the unemployment compensation  
13 law was intended to provide benefits to employees who  
14 are unemployed through no fault of their own and who  
15 are willing to work, these persons should be allowed  
16 to receive unemployment benefits if they are pre-  
17 vented from working due to an employer-initiated  
18 lockout. This new draft allows these persons to re-  
19 ceive unemployment compensation if their unemployment  
20 is due to a lockout. Employees who are unemployed  
21 due to an employee-initiated strike continue to be  
22 disqualified from receiving benefits in most circum-  
23 stances as under current law.

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