

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 621

H.P. 456

House of Representatives, March 6, 1989

Reference to the Committee on Labor suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Speaker MARTIN of Eagle Lake.

Cosponsored by Representative PINEAU of Jay, Representative CLARK of Millinocket and Senator ESTY of Cumberland.

STATE OF MAINE

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

An Act Concerning Unemployment Benefits for Lockouts.



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

3 26 MRSA §1193, sub-§4, as amended by PL 1985, c. 737, PT. A,
5 §72, is repealed and the following enacted in its place:

7 4. Stoppage of work. For any week with respect to which
9 the deputy, after notification by the Director of Unemployment
11 Compensation under section 1194, subsection 2, finds that the
13 individual's total or partial unemployment is due to a stoppage
15 of work which exists because of a labor dispute at the factory,
17 establishment or other premises at which the individual is or was
19 employed, or there would have been a stoppage of work had
21 substantially normal operations not been maintained with other
23 personnel previously and currently employed by the same employer
25 and any other additional personnel which the employer may hire to
perform tasks not previously done by the striking employees.

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

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

27 A. Is not participating in or financing or directly
29 interested in the labor dispute that caused the stoppage of
work;

31 B. Does not belong to a grade or class of workers of which,
33 immediately before the commencement of the stoppage of work,
35 there were members employed at the premises at which the
stoppage occurs, any of whom are participating in or
financing or directly interested in the dispute;

37 C. Has obtained employment after the commencement of the
39 stoppage of work and has earned at least 8 times the
41 employee's weekly benefit amount in employment by an
employer or has been in employment by an employer for 5 full
weeks;

43 D. Became unemployed because of a strike or lockout caused
45 by:

47 (1) An employer's willful failure to observe the terms
of the safety and health section of a union contract;

49 (2) An employer's willful failure to comply in a
51 timely fashion with an official citation for a
violation of federal and state laws involving
occupational safety and health; or

