

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1486, L.D. 2098, Bill, "An Act to Reform Unemployment Compensation Guidelines in Maine"

Amend the amendment by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 26 MRSA §1043, sub-§3-A is enacted to read:

3-A. Alternate base period. For benefit years effective on or after September 27, 1992 and prior to December 31, 1994, for any individual who fails to meet the eligibility requirements of section 1192, subsection 5, in the base period as defined in subsection 3, the Department of Labor shall make a redetermination of eligibility based on a base period that consists of the last 4 completed calendar quarters immediately preceding the first day of the individual's benefit year. This base period is known as the "alternate base period." If wage information for the most recent quarter of the alternate base period is not available to the department from regular quarterly reports of wage information that is systematically accessible, the department shall gather the necessary data in accordance with rules established for this purpose.

If the department receives information from the employer that causes a revised monetary determination under this subsection, benefits received prior to that revision may not constitute an overpayment of benefits provided the claimant did not knowingly misrepresent information requested by the department.

2 Wages that fall within the base period of claims established
4 under this subsection are not available for reuse in qualifying
for any subsequent benefit years under section 1192.

6 In the case of a combined-wage claim pursuant to the arrangement
8 approved by the United States Secretary of Labor in accordance
10 with section 1082, subsection 12, the base period is that base
period applicable under the unemployment compensation law of the
paying state.

12 **Sec. 2. 26 MRSA §1191, sub-§2, as repealed and replaced by PL**
14 **1983, c. 862, §75, is amended to read:**

16 **2. Weekly benefit amount for total unemployment.** Each
18 eligible individual establishing a benefit year on and after
20 October 1, 1983, who is totally unemployed in any week shall be
22 paid with respect to that week, benefits equal to 1/22 of the
24 wages, rounded to the nearest lower full dollar amount, paid to
26 him in the high quarter of his base period, but not less than
28 \$12. The maximum weekly benefit amount for claimants requesting
30 insured status determination beginning October 1, 1983, and
32 thereafter from June 1st of a calendar year to May 31st of the
34 next calendar year shall not exceed 52% of the annual average
weekly wage, rounded to the nearest lower full dollar amount,
paid in the calendar year preceding June 1st of that calendar
year. No increase in the maximum weekly benefit amount may occur
for the period from June 1, 1992 to May 31, 1993. The maximum
weekly benefit amount in effect from June 1, 1993 to May 31, 1994
shall be 52% of the annual average weekly wage paid in calendar
year 1992, rounded to the nearest lower full dollar amount, minus
half of the increase that, but for the preceding sentence, would
have occurred on June 1, 1992.

36 **Sec. 3. 26 MRSA §1192, sub-§6, as amended by PL 1983, c. 129,**
38 **is further amended to read:**

40 **6. Approved training.** Notwithstanding any other provisions
42 of this chapter, any otherwise eligible claimant in training, as
44 approved for him the claimant by the commission, under rules
46 adopted by the commission with the advice and consent of the
48 commissioner, shall may not be denied benefits for any week with
respect to subsection 3, relating to availability and the work
search requirement or the provisions of section 1193, subsection
3. Enrollment in a degree-granting program may not be the sole
cause for denial of approved training status for an otherwise
eligible claimant. Benefits paid to any eligible claimant while
in approved training, for which, except for this subsection, the

claimant could be disqualified under section 1193, subsection 3,
shall ~~may~~ not be charged against the experience rating record of
any employer but shall must be charged to the General Fund.

**Sec. 4. Furlough days for federally allocated positions in the
Department of Labor.** For the purposes of carrying out the
activities of this Act and other activities with the Department
of Labor and subject to the approval of the parties signatory to
any applicable collective bargaining agreement, federally
allocated positions within the Department of Labor may not be
subject to discretionary furlough days and shutdown days.

Emergency clause. In view of the emergency cited in the
preamble, this Act takes effect when approved.'

Further amend the bill by inserting at the end before the
statement of fact the following:

FISCAL NOTE

The changes to the unemployment compensation guidelines in
this bill will have little or no fiscal impact to employers or to
the Unemployment Compensation Trust Fund.

Section 4 of this bill exempts employees in federally
allocated positions in the Department of Labor from furlough days
and shutdown days subject to the agreement of the parties to any
applicable collective bargaining agreement. Such an agreement
may be affected in fiscal year 1992-93 by L.D. 2185, the
supplemental budget bill.'

STATEMENT OF FACT

This amendment replaces the original bill with provisions
that allow more individuals to become eligible for unemployment
compensation while minimizing any long-term effect on the
Unemployment Compensation Fund. In order to qualify for
unemployment compensation benefits, claimants must have earned a
certain amount of wages in their base period. Under current law,
there may be as much as a 6-month lag in the wages that may be
considered in establishing eligibility. As a result, some
individuals who have earned enough wages to qualify for benefits
are found ineligible because their wages were earned too recently
to be considered.

This amendment establishes an alternative base period so
that individuals with the required amount of earnings can qualify
even if those wages were earned closer to the time of application
for unemployment compensation benefits than is allowed under

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2 current law. The financial impact on the Unemployment
3 Compensation Fund is mitigated by deferring 1/2 of the scheduled
4 increase in the maximum weekly benefit due in June, 1992 to June,
5 1993 and the other half of the increase until June, 1994.

6 This amendment also ensures that an individual will not be
7 denied unemployment benefits simply because the individual has
8 enrolled in a degree-granting program, rather than another
9 approved training program such as those funded by the Job
10 Training Partnership Act. The amendment states that federally
11 allocated positions within the Department of Labor may not be
12 subject to discretionary furlough days and shutdown days, subject
13 to the approval of the parties to any applicable collective
14 bargaining agreement. The amendment also adds a fiscal note to
15 the bill.

16

Filed by Rep. McHenry of Madawaska
Reproduced and distributed under the direction of the Clerk of the
House
3/27/92 (Filing No. H-1298)