

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 3/27/95

(Filing No. H-51)

MAJORITY
LABOR

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 130, L.D. 178, Bill, "An Act to Amend the Misconduct Provisions of the Unemployment Compensation Law"

Amend the bill 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-§23, as enacted by PL 1965, c. 381, §5, is amended to read:

23. **Misconduct.** "Misconduct" means conduct evincing such willful or wanton disregard of an employer's interests as is found in deliberate violations or disregard of standards of behavior which that the employer has a right to expect of his an employee, or in carelessness or negligence of such degree or recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employees employee's duties and obligations to his the employer. One act of simple negligence is not misconduct within the meaning of this chapter.'

STATEMENT OF FACT

This amendment replaces the bill and provides that a single act of simple negligence may not be considered misconduct under the Employment Security Law. The intention of this amendment is to clarify and reinforce that a single instance of mere carelessness or inattentiveness is not misconduct under current law and that the Law Court's decision in Forbes-Lilley v. Maine Unemployment Insurance Commission, 643 A.2d 377 (1994) does not permit denial of benefits for one act of simple negligence.