

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 178

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H.P. 130

House of Representatives, January 20, 1995

**An Act to Amend the Misconduct Provisions of the Unemployment  
Compensation Law.**

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Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CHASE of China.

Cosponsored by Representatives: BERRY of Livermore, JOSEPH of Waterville, LUTHER of Mexico, THOMPSON of Naples, Senators: RAND of Cumberland, RUHLIN of Penobscot.

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

4 **Sec. 1. 26 MRSA §1043, sub-§23,** as enacted by PL 1965, c. 381,  
§5, is amended to read:

6 **23. Misconduct.** "Misconduct" means conduct evincing such  
8 willful or wanton disregard of an employer's interests as is  
found in deliberate violations or disregard of standards of  
10 behavior ~~which~~ that the employer has a right to expect of ~~his~~ an  
employee, or in carelessness or negligence of such degree or  
12 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  
14 and obligations to ~~his~~ the employer. Any single act of  
negligence must rise to the level of gross negligence to be  
16 considered misconduct within the meaning of this chapter.

18 **STATEMENT OF FACT**

20 This bill provides that a single act of negligence may not  
22 be considered misconduct under the Employment Security Law unless  
that act rises to the level of gross negligence. This bill is  
24 intended to overrule the Law Court's decision in Forbes-Lilley v.  
Maine Unemployment Insurance Commission, 643 A.2d 377 (1994).