

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 693

S.P. 255

In Senate, February 28, 1995

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**An Act to Allow Seasonal Public Employees to Be Eligible for  
Unemployment Compensation.**

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Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec.  
Cosponsored by Representatives: BERRY of Livermore, MORRISON of Bangor, SHIAH of  
Bowdoinham.

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

2  
3 **Sec. 1. 26 MRSA §1192, sub-§7, ¶B,** as amended by PL 1983, c.  
4 13, §7, is further amended to read:

6 B. With respect to weeks of unemployment beginning after  
7 September 3, 1982 and before October 31, 1995, in any ~~other~~  
8 capacity other than those described in paragraph A for an  
9 educational institution, benefits ~~shall~~ may not be paid on  
10 the basis of those services to any individual for any week  
11 ~~which~~ that commences during a period between 2 successive  
12 academic years or terms if the individual performs those  
13 services in the first of the academic years or terms and  
14 there is annual written reasonable assurance that the  
15 individual will perform the services in the 2nd ~~of--that~~  
16 academic year or ~~terms~~ term; except that if benefits are  
17 denied to any individual under this paragraph and the  
18 individual was not offered an opportunity to perform the  
19 services for the educational institution for the 2nd of  
20 those academic years or terms, the individual ~~shall-be~~ is  
21 entitled to a retroactive payment of benefits for each week  
22 for which the individual filed a timely claim for benefits  
23 and for which benefits were denied solely by reason of this  
24 paragraph;

26 **Sec. 2. 26 MRSA §1192, sub-§7, ¶C,** as amended by PL 1977, c.  
27 585, §2, is further amended to read:

28 C. With respect to weeks of unemployment beginning after  
29 December 31, 1977, benefits ~~shall~~ may not be ~~denied~~ paid to  
30 any individual in an instructional, research or principal  
31 administrative capacity for an educational institution for  
32 any week ~~which~~ that commences during an established and  
33 customary vacation period or holiday recess if ~~sueh~~ that  
34 individual performs any services ~~described in paragraphs A~~  
35 ~~or--B~~ in the period immediately before ~~sueh~~ that vacation  
36 period or holiday recess, and there is annual written  
37 reasonable assurance that ~~sueh~~ the individual will perform  
38 ~~any-sueh~~ those services in the period immediately following  
39 ~~sueh~~ that vacation period or holiday recess.;

42 **Sec. 3. 26 MRSA §1192, sub-§7, ¶C-1** is enacted to read:

44 C-1. With respect to weeks of unemployment beginning after  
45 December 31, 1977, but before October 31, 1995, benefits may  
46 not be paid to any individual in any capacity other than  
those described in paragraph C for an educational

2 institution for any week that begins during an established  
4 and customary vacation period or holiday recess if that  
6 individual performs any services in the period immediately  
8 before that vacation period or holiday recess and there is  
10 annual written reasonable assurance that the individual will  
12 perform those services in the period immediately following  
14 that vacation period or holiday recess; and

16 **Sec. 4. 26 MRSA §1192, sub-§7, ¶D,** as enacted by PL 1979, c.  
18 515, §14, is amended to read:

20 D. With respect to weeks of unemployment beginning after  
22 June 30, 1979, benefits shall may not be denied paid to an  
24 individual who performed services in an educational  
26 institution while in the employ of an educational service  
28 agency ~~for any week which commences during a period~~  
30 ~~described in paragraphs A, B and C~~ if benefits would be  
32 denied under this subsection if that individual performs any  
34 services described in paragraphs A or B in the first of  
36 these periods, as specified in the applicable paragraph, and  
38 there is a contract or a reasonable assurance as applicable  
40 in the appropriate paragraph, that the individual will  
42 perform these services in the 2nd of these periods, as  
44 applicable in the appropriate paragraph were employed  
directly by the educational institution. For purposes of  
this paragraph the term "educational service agency" means a  
governmental agency or governmental entity which that is  
established and operated exclusively for the purposes of  
providing these services to one or more educational  
institutions.

## 34 STATEMENT OF FACT

36 This bill amends the Employment Security Law so that certain  
38 employees working in an educational institution may be eligible  
40 for unemployment benefits during periods when the school is not  
42 in session. Prior to 1991, the Federal Unemployment Tax Act  
44 required that the State deny benefits to those individuals.  
Public Law 102-164, Section 302(a)(1) and Section 302(a)(2)  
amended the federal law so that the states are no longer required  
to deny benefits to those individuals.