

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)

m
R. of S.

L.D. 1770

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50
DATE: March 6, 1996

(Filing No. S-453)

LABOR

Reported by: Senator BEGLEY of Lincoln for the Committee.

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
117TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 696, L.D. 1770, Bill, "An Act to Exempt All Individuals Engaged in Fishing from Unemployment Insurance Requirements"

Amend the bill by striking out the title and substituting the following:

'An Act to Exempt Certain Individuals from Unemployment Insurance Requirements'

Further amend the bill in the emergency preamble in the 2nd paragraph in the first line (page 1, line 5 in L.D.) by inserting after the following: "law," the following: 'certain'

Further amend the bill in the emergency preamble in the 4th paragraph in the 2nd line (page 1, line 14 in L.D.) by striking out the following: "in fishing" and inserting in its place the following: 'as licensed Maine guides'

Further amend the bill by striking out all of the 5th paragraph (page 1, lines 17 to 21 in L.D.) and inserting in its place the following:

'Whereas, requiring the payment of unemployment insurance on clam diggers and Maine guides when the individuals consider themselves independent contractors and when federal law provides an exemption may have a deleterious impact on the economic competitiveness of certain businesses in Maine; and'

Further amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

COMMITTEE AMENDMENT

1
2 'Sec. 1. 26 MRSA §1043, sub-§11, ¶F, as amended by PL 1995, c.
204, §§1 and 2, is further amended by amending subparagraphs
(32), (36) and (37) to read:

4
6 (32) After December 31, 1981, services performed by an
individual on a boat engaged in catching fish or other
8 forms of aquatic animal life, unless those services
would be included in the definition of "employment" for
10 federal unemployment tax purposes under the Federal
Unemployment Act, United States Code, Title 26, Section
12 3306(c), as it may be amended. Also included in this
exemption are services performed in harvesting
14 shellfish for depuration from designated areas as
authorized by Title 12, section 6856;

16 (36) Service performed by a full-time student, as
18 defined in subsection 30, in the employ of an organized
camp if the full-time student performed services in the
20 employ of the camp for less than 13 calendar weeks in
the calendar year and the camp:

22 (a) Did not operate for more than 7 months in the
24 calendar year and did not operate for more than 7
months in the preceding calendar year; or

26 (b) Had average gross receipts for any 6 months
28 in the preceding calendar year that were not more
than 33 1/3% of its average gross receipts for the
30 other 6 months in the preceding calendar year; and

32 (37) Services performed by an individual as a home
stitcher as long as that employment is not subject to
34 federal unemployment tax; and

36 'Sec. 2. 26 MRSA §1043, sub-§11, ¶F, as amended by PL 1995, c.
204, §§1 and 2, is further amended by enacting subparagraph (38)
to read:

38 (38) Services performed by a person licensed as a
40 guide as required by Title 12, section 7311, as long as
that employment is not subject to federal unemployment
42 tax.'

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

46 **FISCAL NOTE**

48 The Unemployment Compensation Fund, administered by the
50 Department of Labor, may realize some minor savings from the

2 exemption of certain persons employed as clam diggers and those
persons employed as Maine guides from unemployment insurance
requirements.'

4

6

STATEMENT OF FACT

8

This amendment replaces the original bill with a more
limited exemption from the state unemployment insurance
10 requirements. The amendment provides that services performed in
harvesting shellfish for depuration from contaminated areas are
12 not considered employment for the purposes of unemployment
insurance taxes and benefit eligibility. The amendment also
14 provides that services performed by a licensed guide are also
exempt if that employment is exempt from the federal unemployment
16 tax. The amendment also adds a fiscal note to the bill.