

# 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)



# 117th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1996

---

Legislative Document

No. 1770

S.P. 696

In Senate, February 13, 1996

**An Act to Exempt All Individuals Engaged in Fishing from  
Unemployment Insurance Requirements.**

(AFTER DEADLINE)

(EMERGENCY)

---

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script, reading "May M. Ross", is positioned above the printed name and title.

MAY M. ROSS  
Secretary of the Senate

Presented by Senator LAWRENCE of York.  
Cosponsored by Representative: MARSHALL of Eliot.

2       **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4       Whereas, under federal law, individuals engaged in fishing  
6       activities are exempt from unemployment insurance requirements;  
and

8       Whereas, Maine's Department of Labor recently determined  
10       that a clam digger is an employee and that the clam digger's  
employer is required to pay unemployment insurance; and

12       Whereas, Maine's Department of Labor has indicated that  
14       other types of individuals engaged in fishing also are subject to  
unemployment insurance requirements; and

16       Whereas, unless the discrepancy between Maine's unemployment  
18       laws and the federal unemployment laws is resolved quickly, the  
extra cost of providing unemployment insurance may have a  
20       deleterious impact on the economic competitiveness of Maine's  
seafood products with seafood products from other states; and

22       Whereas, in the judgment of the Legislature, these facts  
24       create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
26       necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

30       **Sec. 1. 26 MRSA §1043, sub-§11, ¶F,** as amended by PL 1995, c.  
32       204, §§1 and 2, is further amended by repealing subparagraph (32)  
and replacing it with the following:

34               (32) Unless those services are included in the  
36               definition of "employment" for federal unemployment tax  
38               purposes under the Federal Unemployment Act, United  
40               States Code, Title 26, Section 3306(c), as amended,  
42               services performed by an officer or member of the crew  
44               of a vessel engaged in, or performed by an individual  
              as an ordinary incident to, the catching, taking,  
              harvesting, cultivating or farming of any kind of fish,  
              shellfish, crustacea, sponges, seaweeds or other  
              aquatic forms of animal and vegetable life;

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

2

## STATEMENT OF FACT

4

        This bill conforms Maine's unemployment laws to federal  
unemployment laws by exempting from the definition of  
6 "employment" for unemployment insurance purposes all persons  
engaged in fishing. Current state law exempts only those  
8 individuals engaged in fishing from a boat. The bill contains a  
provision that repeals the exemption if the federal exemption is  
10 changed or repealed.