

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 355

H.P. 291

House of Representatives, January 23, 1997

An Act to Further Define Disqualification for Unemployment Benefits.

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 JOY of Crystal.
Cosponsored by Representatives: PLOWMAN of Hampden, STEDMAN of Hartland, VIGUE of Winslow, WATERHOUSE of Bridgton.

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

2
3 **Sec. 1. 26 MRSA §1193, sub-§7-A**, as enacted by PL 1985, c.
4 420, §2, is amended to read:

6 **7-A. Absence from work due to incarceration.** For the
7 duration of ~~his~~ the individual's unemployment subsequent to a
8 discharge arising from ~~his~~ the individual's absence from work for
9 more than 2 workdays due to ~~his~~ the individual's incarceration
10 for conviction of a criminal offense. This disqualification
11 continues until the claimant has earned 4 times ~~his~~ that
12 individual's weekly benefit amount in employment by an employer;
13 ~~or~~

14
15 **Sec. 2. 26 MRSA §1193, sub-§9**, as enacted by PL 1981, c. 149,
16 §4, is amended to read:

17 **9. Receiving pension.** For any week with respect to which
18 ~~he~~ the individual is receiving a governmental or other pension,
19 retirement or retired pay, annuity or any other similar periodic
20 payment under a plan maintained or contributed to by a base
21 period or chargeable employer; except that ~~he~~ the individual
22 ~~shall~~ must receive benefits reduced, but not below zero, as
23 follows:
24

25 A. By the prorated weekly amount of the pension after
26 deduction of that portion of the pension that is directly
27 attributable to the percentage of the contributions made to
28 the plan by that individual;

29 B. By the entire prorated weekly amount of the pension if
30 paragraph A or C does not apply; or
31

32 C. By no part of the pension if the entire contributions to
33 the plan were provided by the individual or by the
34 individual and an employer, or any other person or
35 organization, who is not a base period or chargeable
36 employer.
37

38
39 No reduction may be made under this subsection by reason of the
40 receipt of a pension if the services performed by the individual
41 during the base period, or remuneration received for these
42 services, for the employer did not affect the individual's
43 eligibility for, or increase the amount of that pension,
44 retirement or retired pay, annuity or similar payment. The
45 conditions specified by this paragraph ~~shall~~ do not apply to
46 pensions paid under the United States Social Security Act or the
47 Railroad Retirement Act of 1974, or the corresponding provisions
48 of prior law. Payments made under those Acts ~~shall~~ must be
49 treated solely in the manner specified by paragraphs A, B and C.
50 ; or

2 **Sec. 3. 26 MRSA §1193, sub-§10** is enacted to read:

4 10. Temporary employees. For the duration of the
6 individual's unemployment, if the individual accepted temporary
8 employment for a period of not more than 12 weeks and that period
10 of temporary employment was defined in a written agreement signed
12 by the individual and the employer; except that, if the employer
14 enters into a subsequent temporary employment agreement within a
16 12-month period from the time the first temporary employment
18 began, the disqualification ends.

14 **SUMMARY**

16 This bill disqualifies a temporary employee for unemployment
18 compensation benefits if the temporary employment was for not
20 more than 12 weeks and the terms of the employment were outlined
22 in a written agreement signed by the individual and the
 employer. The disqualification ends, however, if the employer
 enters into a subsequent temporary employment agreement with that
 individual within a 12-month period.