

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

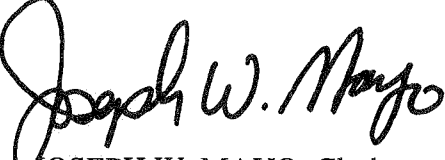
No. 1406

H.P. 1014

House of Representatives, March 11, 1997

An Act to Clarify Laws Relating to Unemployment Compensation for Service with Nonprofit Organizations, Educational Institutions, State Government and Local Governments.

Reference to the Committee on Labor suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative DUNLAP of Old Town.
Cosponsored by Senator CATHCART of Penobscot and
Representatives: AHEARNE of Madawaska, DAVIDSON of Brunswick, SAXL of Portland,
SHANNON of Lewiston, STEVENS of Orono.

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

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3 **Sec. 1. 26 MRSA §1192, sub-§7, ¶C,** as amended by PL 1977, c.
4 585, §2, is further amended to read:

6 C. With respect to weeks of unemployment beginning after
7 December 31, 1977, benefits ~~shall be~~ are denied to any
8 individual for any week which that commences during an
9 established and customary vacation period or holiday recess
10 if such individual performs any services described in
11 paragraphs ~~paragraph~~ A or B in the period immediately before
12 such vacation period or holiday recess, and there is annual
13 written reasonable assurance that such individual will
14 perform any such services in the period immediately
15 following such vacation period or holiday recess. ;

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17 **Sec. 2. 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
21 June 30, 1979, benefits ~~shall be~~ are denied to an individual
22 who performed services in an educational institution while
23 in the employ of an educational service agency for any week
24 which that commences during a period described in paragraphs
25 A, B and C if that individual performs any services
26 described in paragraphs ~~paragraph~~ A or B in the first of
27 these periods, as specified in the applicable paragraph, and
28 there is a contract or a reasonable assurance as applicable
29 in the appropriate paragraph, that the individual will
30 perform these services in the 2nd of these periods, as
31 applicable in the appropriate paragraph. For purposes of
32 this paragraph, the term "educational service agency" means
33 a governmental agency or governmental entity which that is
34 established and operated exclusively for the purposes of
35 providing these services to one or more educational
36 institutions. ; and

37 **Sec. 3. 26 MRSA §1192, sub-§7, ¶E** is enacted to read:

38 E. Notwithstanding any other provision of this subsection,
39 benefits for individuals who lose their employment or
40 service to a post-secondary educational institution are
41 limited to:

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43 (1) Individuals demoted or transferred from a 12-month
44 yearly appointment or position to a 9-month or 10-month
45 yearly appointment or position;

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47 (2) Individuals employed by an educational
48 institution's auxiliary enterprise that is in operation
49 for 12 months during the year or is in operation during
50 an established and customary vacation period or holiday
51 recess;

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(3) Individuals whose compensation is received from sources unrelated to tuition, room or board payments to the educational institution; or

(4) Individuals whose services have been terminated due to budgetary considerations unrelated to the educational mission of the institution.

SUMMARY

This bill provides equity for nonsalaried, hourly wage staff with unemployment provisions allowed for noninstitutional employees.