

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-1997

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Legislative Document

No. 1734

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H.P. 1222

House of Representatives, April 2, 1997

**An Act to Remove the Disqualification for Unemployment Insurance  
Benefits for Claimants Who Are Locked Out by an Employer.**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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 HATCH of Skowhegan.  
Cosponsored by Senator CATHCART of Penobscot and  
Representatives: BULL of Freeport, CLARK of Millinocket, O'NEAL of Limestone, O'NEIL  
of Saco, RINES of Wiscasset, SAMSON of Jay, STANLEY of Medway, USHER of  
Westbrook.

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

Sec. 1. 26 MRSA §1193, sub-§4, as amended by PL 1985, c. 737, Pt. A, §72, is further amended to read:

4. **Stoppage of work.** For any week with respect to which the deputy, after notification by the Director of Unemployment Compensation under section 1194, subsection 2, finds that his the claimant's total or partial unemployment is due to a stoppage of work which that exists because of a labor dispute at the factory, establishment or other premises at which he the claimant is or was employed, or there would have been a stoppage of work had substantially normal operations not been maintained with other personnel previously and currently employed by the same employer and any other additional personnel which that the employer may hire to perform tasks not previously done by the striking employees. This subsection does not apply if it is shown to the satisfaction of the deputy that:

A. He The claimant is not participating in or financing or directly interested in the labor dispute which that caused the stoppage of work;

B. He The claimant does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute;

C. He The claimant has obtained employment subsequent to the beginning of the stoppage of work and has earned at least 8 times his the claimant's weekly benefit amount in employment by an employer or has been in employment by an employer for 5 full weeks; ~~or~~

D. He The claimant became unemployed because of a strike or lockout caused by an employer's willful failure to observe the terms of the safety and health section of a union contract; an employer's willful failure to comply in a timely fashion with an official citation for a violation of federal and state laws involving occupational safety and health; or the quitting of labor by an employee or employees in good faith because of an abnormally dangerous condition for work at the place of employment of that employee or employees; provided that the strike or lockout ~~shall~~ does not extend past the time of the employer's compliance with the safety and health section of the union contract, the employer's compliance with the official citation, or the finding that an abnormally dangerous condition does not

2 exist by a federal or state official empowered to issue  
official citations for violation of federal and state laws  
involving occupational safety and health, ; or

4  
6 E. The claimant became unemployed because of a lockout by  
the employer.

8 If in any case separate branches of work which that are commonly  
conducted as separate businesses in separate premises are  
10 conducted in separate departments of the same premises, each such  
department shall must, for the purposes of this subsection, be  
12 deemed to be a separate factory, establishment or other premises;

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16 **SUMMARY**

18 This bill removes the disqualification from unemployment  
compensation for employees who are locked out by an employer.  
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