

MAINE STATE LEGISLATURE

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H.S.

L.D. 1232

DATE: 5-7-99

(Filing No. H-503)

REPORT B
LABOR

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "B" to H.P. 875, L.D. 1232, Bill, "An Act to Clarify Free-lance Labor in an Employer/Employee Relationship"

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

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'An Act to Amend the Unemployment Compensation Law Regarding Certain Agricultural Labor'

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

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'Sec. 1. 26 MRSA §1043, sub-§11, ¶F, as amended by PL 1997, c. 683, Pt. A, §14, is further amended by amending subparagraph (4-1) to read:

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(4-1) Agricultural labor ~~in-the-harvesting-of-apples~~, if performed by an individual who is an alien, other than a citizen of a contiguous country with which the United States has an agreement with respect to unemployment compensation, admitted to the United States to perform agricultural labor pursuant to the United States Immigration and Nationality Act, Sections 214(c) and 101(a) (15) (H);

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Sec. 2. Application. For purposes of enforcement of the Maine Revised Statutes, Title 26, chapter 13, that section of this Act that amends Title 26, section 1043, subsection 11, paragraph F, subparagraph (4-1) applies retroactively to January 1, 1996.'

COMMITTEE AMENDMENT

H.S.

2 Further amend the bill by inserting at the end before the
summary the following:

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FISCAL NOTE

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The exclusion of services performed by certain agricultural workers from the definition of "employment" for purposes of unemployment compensation is not expected to have a significant impact on the Unemployment Insurance Trust Fund.'

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SUMMARY

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This amendment, a minority report of the committee, replaces the bill. It amends a section of current law to provide that agricultural work performed by aliens under a federal program is not covered by unemployment taxes or benefits. These workers are not eligible to receive benefits, but, because of the narrow exemption in current law, their wages are subject to unemployment tax when they are doing work other than harvesting apples. The amendment also makes that change retroactive to January 1, 1996 for purposes of enforcement. The amendment also adds a fiscal note to the bill.

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