

# MAINE STATE LEGISLATURE

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L.D. 1232

DATE: 5-7-99

(Filing No. H-504)

REPORT  
LABOR

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

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

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

'Sec. 1. 26 MRSA §1043, sub-§11, ¶F, as amended by PL 1997, c. 683, Pt. A, §14, is further amended by amending subparagraphs (41) and (42) to read:

(41) Services provided by a dance instructor to students of a dance studio when there is a contract between the instructor and the studio under which the instructor's services are not offered exclusively to the studio, the studio does not control the scheduling of the days and times of classes other than beginning and end dates, the instructor is paid by the class and not on an hourly or salary basis, the compensation rate is the result of negotiation between the instructor and the studio and the instructor is given the freedom to develop the curriculum; and

(42) Services performed by participants enrolled in programs or projects under the national service laws including the federal National and Community Service Act of 1990, as amended, 42 United States Code, Section 12501 et seq., and the federal Domestic Volunteer Service Act, as amended, 42 United States Code, Section 4950 et seq.; and

COMMITTEE AMENDMENT

R.S.

2           **Sec. 2. 26 MRSA §1043, sub-§11, ¶F**, as amended by PL 1997, c.  
683, Pt. A, §14, is further amended by enacting subparagraph (43)  
to read:

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(43) Services performed by a writer who furnishes items  
written for a publisher or publication that has no control  
over the writer, over whether items are submitted or over  
hours devoted to work and that pays only for those items  
accepted, as long as that employment is not subject to  
federal unemployment tax.'

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

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**'FISCAL NOTE**

18           The exclusion of services performed by certain writers from  
the definition of "employment" for purposes of unemployment  
20           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, refines  
the description of free-lance journalist's services that will not  
be covered by unemployment compensation taxes or benefits. The  
amendment also makes technical corrections and adds a fiscal note  
to the bill.