

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1232

H.P. 875

House of Representatives, February 11, 1999

An Act to Clarify Free-lance Labor in an Employer/Employee Relationship.

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative DUNLAP of Old Town.
Cosponsored by Senator CATHCART of Penobscot.

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

2

Sec. 1. 26 MRSA §1043, sub-§11, ¶F, sub-¶¶40 and 41, as amended
4 by PL 1997, c. 683, Pt. A, §14, are further amended to read:

6

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

18

(42) Services performed by participants enrolled in
programs or projects under the national service laws
20 including the federal National and Community Service
Act of 1990, as amended, 42 United States Code, Section
22 12501 et seq., and the federal Domestic Volunteer
Service Act, as amended, 42 United States Code, Section
24 4950 et seq.; and

26

Sec. 2. 26 MRSA §1043, sub-§11, ¶F, sub-¶¶43 is enacted to read:

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(43) Services performed by an individual as a
30 free-lance journalist to a publisher or publication as
long as that employment is not subject to federal
unemployment tax.

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SUMMARY

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This bill excludes services performed by a free-lance
journalist from the definition of "employment" for purposes of
38 unemployment compensation.