

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 2104

S.P. 745

In Senate, March 30, 1999

### **An Act to Provide Equity for Unemployment Compensation.**

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Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator KILKELLY of Lincoln.  
Cosponsored by Representative RINES of Wiscasset and  
Senators: DAGGETT of Kennebec, President LAWRENCE of York, TREAT of Kennebec,  
Representatives: DUPLESSIE of Westbrook, PIEH of Bremen, SAXL of Portland, TWOMEY  
of Biddeford.

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

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3       Sec. 1. 26 MRSA §1193, sub-§9, as enacted by PL 1981, c. 149,  
4 §4, is amended to read:

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7       9. **Receiving pension.** For any week with respect to which  
8 he the individual is receiving a governmental or other pension,  
9 retirement or retired pay, annuity or any other similar periodic  
10 payment under a plan maintained or contributed to by a base  
11 period or chargeable employer; except that ~~he shall receive~~ the  
12 individual receives benefits reduced, but not below zero, as  
follows:

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15       A. By the prorated weekly amount of the pension after  
16 deduction of that portion of the pension that is directly  
17 attributable to the percentage of the contributions made to  
the plan by that individual;

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19       B. By the entire prorated weekly amount of the pension if  
20 paragraph A or C does not apply; or

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23       C. By no part of the pension if the entire contributions to  
24 the plan were provided by the individual or by the  
25 individual and an employer, or any other person or  
26 organization, who is not a base period or chargeable  
employer.

28

29 No reduction may be made under this subsection by reason of the  
30 receipt of a pension paid under the United States Social Security  
31 Act or if the services performed by the individual during the  
32 base period, or remuneration received for these services, for the  
33 employer did not affect the individual's eligibility for, or  
34 increase the amount of that pension, retirement or retired pay,  
annuity or similar payment. The conditions specified by this  
35 paragraph ~~shall do~~ not apply to pensions paid under the ~~United~~  
36 ~~States-Social-Security-Act-or-the~~ Railroad Retirement Act of  
1974, or the corresponding provisions of prior law. Payments made  
37 under ~~these Acts shall~~ that Act must be treated solely in the  
38 manner specified by paragraphs A, B and C.

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**SUMMARY**

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45       Under current law, a person receives reduced unemployment  
46 compensation benefits if that person receives a Social Security  
47 pension based upon that person's work history. However, if the  
48 person receives a Social Security pension based upon a spouse's  
work history, the person does not receive a reduction in  
49 unemployment compensation benefits. This bill eliminates the  
50

2 reduction in unemployment compensation benefits for a person who  
receives a Social Security pension based upon that person's work  
history.

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