

MAINE STATE LEGISLATURE

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L.D. 1258

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REPORT A
LABOR

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 944, L.D. 1258, Bill, "An Act to Make the Unemployment Insurance Program More Responsive to the Needs of Today's Workforce"

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'Sec. 1. 26 MRSA §1192, sub-§3, as repealed and replaced by PL 1983, c. 816, Pt. A, §22, is amended to read:

3. **Is able and available for work.** He ~~The claimant~~ is able to work and is available for full-time work at his ~~the claimant's~~ usual or customary trade, occupation, profession or business or in such other trade, occupation, profession or business for which his ~~the claimant's~~ prior training or experience shows him ~~the claimant~~ to be fitted or qualified; and in addition to having complied with subsection 2 is himself actively seeking work in accordance with the regulations of the commission; ~~provided that no ineligibility may be found solely because the claimant is unable to accept employment on a shift, the greater part of which falls between the hours of midnight to 5 a.m., and is unavailable for that employment because of parental obligation, the need to care for an immediate family member, or the unavailability of a personal care attendant required to assist the unemployed individual who is a handicapped person; and provided that an~~ An unemployed individual who is neither able nor available for work due to good cause as determined by the deputy shall be for any part of a week is eligible to receive prorated benefits for that portion of the week during which he the claimant was able and available; A claimant may not be denied benefits under this subsection if:

R.S.

2 A. The claimant is unable to accept employment on a shift,
4 the greater part of which falls between the hours of
6 midnight and 5 a.m. because of parental obligation, the need
8 to care for an immediate family member or the unavailability
 of a personal care attendant required to assist the
 unemployed individual who is a person with a disability;

10 B. The claimant has limited the claimant's availability to
 part-time work and has met the following conditions:

12 (1) The claimant has earned sufficient wage credits in
14 part-time employment to establish a benefit year; and

16 (2) The claimant is available for and seeking work
18 hours comparable to the part-time work history on which
 the benefit year was established; or

20 C. The claimant does not qualify under paragraph B and is
22 not able or available for full-time work due to the illness
24 or disability of the claimant or the claimant's immediate
26 family member or due to the need to provide for the safety
28 or protection of the claimant or the claimant's immediate
30 family member. Any reasonable and credible evidence
 provided by the claimant must be accepted in determining
 eligibility under this paragraph. A claimant who qualifies
 for compensation under this paragraph is eligible to receive
 prorated benefits for that portion of the week during which
 the claimant was able and available.

32 **Sec. 2. 26 MRSA §1192, sub-§13** is enacted to read:

34 13. Benefit payments to students attending secondary
36 school. An individual who is primarily a student attending
 secondary school is not eligible to receive benefits under
 subsection 3, paragraph B or C.

38 **Sec. 3. Effective date.** This Act takes effect January 1, 2002.'

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

44 **·FISCAL NOTE**

46 This bill would expand eligibility requirements for
48 unemployment compensation by allowing individuals to seek
 part-time employment and receive prorated benefits. Currently,
 an individual must be available to work full time in order to

11. 8.

2 qualify for benefits. The Department of Labor has estimated that
3 this change would increase benefit costs by 4.5% per year, which
4 translates to approximately \$3,600,000 during a low unemployment
5 period to \$10,400,000 during a high unemployment period. The
6 cost to state agencies due to this benefit eligibility change is
indeterminate at this time.

8 The additional costs associated with computer programming
9 changes to capture certain information due to a change in the
10 unemployment compensation laws can be absorbed by the Department
11 of Labor utilizing existing budgeted resources.'

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SUMMARY

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17 This amendment is the majority report of the committee and
18 replaces the bill. It amends the unemployment insurance law to
19 provide that a person is not ineligible for unemployment benefits
20 solely because that person is unable to accept full-time work
21 under certain circumstances. A person is not ineligible if that
22 person is unavailable for full-time work because of illness or
23 disability of that person or that person's family member or
24 because protection or safety of the claimant or family member
25 makes part-time work necessary. Such a person would be eligible
26 for prorated benefits for the portion of the week that the person
27 was able and available. A person who is available for part-time
28 work, but not full-time work, may qualify for benefits if the
29 person had been working part-time for a substantial portion of
30 that person's benefit year, and the person was seeking work hours
comparable to those worked during that part-time employment. The
amendment also adds a fiscal note to the bill.