

# MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "B" 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Sec. 1. 26 MRSA §1192, sub-§3, as repealed and replaced by PL 1983, c. 816, Pt.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:

COMMITTEE AMENDMENT

2 A. The claimant is unable to accept employment on a shift,  
4 the greater part of which falls between the hours of 6 p.m.  
6 and 6 a.m., because the claimant is a single head of  
8 household and has a parental obligation, the claimant needs  
to care for an immediate family member or the claimant is a  
person with a disability who requires a personal care  
attendant and that attendant is not available;

10 B. The claimant's availability is limited to part-time work  
12 of at least 20 hours per week and the claimant has met the  
following conditions:

14 (1) The claimant has earned sufficient wage credits in  
16 part-time employment of at least 20 hours per week to  
establish a benefit year; and

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

22 C. The claimant does not qualify under paragraph B and is  
24 not able or available for full-time work due to the illness  
26 or disability of the claimant or the claimant's immediate  
28 family member or due to the need to provide for the safety  
30 or protection of the claimant or the claimant's immediate  
32 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.

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

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

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

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

46 **FISCAL NOTE**

48 This bill would expand eligibility requirements for

R. & S.

COMMITTEE AMENDMENT "B" to H.P. 944, L.D. 1258

2 unemployment compensation by allowing individuals to seek  
part-time employment and receive prorated benefits. Currently,  
4 an individual must be available to work full time in order to  
qualify for benefits. The Department of Labor has estimated that  
6 this change would increase benefit costs by 4.5% per year, which  
translates to approximately \$3,600,000 during a low unemployment  
8 period to \$10,400,000 during a high unemployment period. The  
cost to state agencies due to this benefit eligibility change is  
indeterminate at this time.

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

**SUMMARY**

18 This amendment is the minority amendment of the committee  
20 and replaces the bill. It amends the unemployment insurance law  
to provide that a person is not ineligible for unemployment  
22 benefits solely because the person is unable to accept full-time  
work under certain circumstances. A person is not ineligible if  
24 the person is unavailable for full-time work because of illness  
or disability of that person or that person's family member or  
26 because protection or the safety of the claimant or family member  
makes part-time work necessary. Such a person would be eligible  
28 for prorated benefits for the portion of the week that the person  
was able and available. A person who is available for part-time  
30 work of at least 20 hours per week, but not full-time work, may  
qualify for benefits if the person had been working at least 20  
32 hours per week for a substantial portion of the person's benefit  
year and the person was seeking work hours comparable to those  
34 worked during that part-time employment. This amendment also  
changes current law regarding eligibility of persons who are  
36 unavailable for nighttime work because of parental obligations.  
The change provides that a claimant who is a single head of  
38 household and who has parental obligations is not required to  
accept work if the greater part of the work hours fall between 6  
40 p.m. and 6 a.m. The amendment also adds a fiscal note to the  
bill.

**COMMITTEE AMENDMENT**