

# MAINE STATE LEGISLATURE

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DATE: 2/22/02

(Filing No. H-839)

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LABOR -  
MAJORITY

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

COMMITTEE AMENDMENT "C" 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'Sec. 1. 26 MRSA §1192, sub-§3, as repealed and replaced by PL 1983, c. 816, Pt.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 An individual is able to work and is available for full-time work at his the individual's usual or customary trade, occupation, profession or business or in such other trade, occupation, profession or business for which his the individual's prior training or experience shows him the individual 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 unemployed individual who is neither able nor available for work due to good cause as determined by

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the deputy shall ~~be~~ is eligible to receive prorated benefits for that portion of the week during which he the individual was able and available.

A. Notwithstanding any other law, beginning June 1, 2003, an individual who is not available for full-time work as required in this subsection is not disqualified from receiving benefits if the person is available for part-time work, in accordance with rules adopted by the Department of Labor. Rules adopted to implement this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter II-A;

**Sec. 2. Department rules and report.** The Department of Labor shall provisionally adopt a rule to implement the Maine Revised Statutes, Title 26, section 1192, subsection 3, paragraph A as enacted in this Act and shall submit the proposed rule to the joint standing committee of the Legislature having jurisdiction over labor matters no later than February 1, 2003. In developing the rule, the department shall consult with all interested parties, including representatives of employers and employees. The department shall also submit no later than February 1, 2003 proposed legislation to conform the employment security law to coverage of part-time workers. The proposed rule and proposed statutory changes must be designed in a manner that simplifies program administration and minimizes any administrative burden on employers.'

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

**FISCAL NOTE**

This bill requires the Department of Labor to adopt rules to implement the requirement that a person not be disqualified from receiving unemployment compensation benefits if the person is available for part-time work. The Department of Labor estimates that this bill, if enacted, would increase benefit payments from the Unemployment Compensation Trust Fund by \$466,667 in fiscal year 2002-03 due to more individuals being eligible for the benefit. The department estimates the full-year impact to the fund would be approximately \$5,450,000 in fiscal year 2003-04 and \$5,250,000 in fiscal year 2004-05. Theses estimates are based on the current Insured Unemployment Rate percentage, which may vary in future years.

The additional costs associated with adopting rules to implement the requirements of this bill can be absorbed by the Department of Labor utilizing existing budgeted resources.'

2.013

**SUMMARY**

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This amendment replaces the bill. It deletes provisions relating to seasonal workers and to persons who leave work because of child care or transportation difficulties. The amendment provides that a person is not ineligible for unemployment benefits solely because the person is not available for full-time work, provided that the person is available to work at least part-time. The amendment requires the Department of Labor to provisionally adopt rules to implement the part-time worker standard and to submit the rule and any necessary statutory changes to the Legislature by February 1, 2003. The part-time worker provision would be effective beginning June 1, 2003. It also adds a fiscal note to the bill.