

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1258

H.P. 944

House of Representatives, February 28, 2001

**An Act to Make the Unemployment Insurance Program More  
Responsive to the Needs of Today's Workforce.**

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Reference to the Committee on Labor suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative MATTHEWS of Winslow.  
Cosponsored by Senator EDMONDS of Cumberland and  
Representatives: BUNKER of Kossuth Township, DUPLESSIE of Westbrook, ESTES of  
Kittery, HUTTON of Bowdoinham, PINEAU of Jay, TARAZEWICH of Waterboro.

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

2  
4       **Sec. 1. 26 MRSA §1192, sub-§3**, as repealed and replaced by PL 1983, c. 816, Pt. A, §22, is amended to read:

6       **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:

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

34       B. The claimant is able and available for work for at least  
36       20 hours during the week. A claimant who is able and available for fewer than 40 hours in a week is eligible to  
38       receive prorated benefits for the number of hours in that week during which the claimant was able and available;

40       **Sec. 2. 26 MRSA §1193, first ¶** is amended to read:

42       An individual ~~shall be~~ is disqualified for benefits:

44       **Sec. 3. 26 MRSA §1193, sub-§1, ¶A**, as repealed and replaced by  
46       PL 1991, c. 560, §2, is amended to read:

48       A. For the week in which the claimant left regular employment voluntarily without good cause attributable to

2 that employment. The disqualification continues until the  
claimant has earned 4 times the claimant's weekly benefit  
4 amount in employment by an employer. A claimant may not be  
disqualified under this paragraph if:

6 (1) The leaving was caused by the illness or  
8 disability of the claimant or an immediate family  
member and the claimant took all reasonable precautions  
10 to protect the claimant's employment status by promptly  
notifying the employer of the reasons for the absence  
12 and by promptly requesting reemployment when again able  
to resume employment;

14 (2) The leaving was necessary to accompany, follow or  
16 join the claimant's spouse in a new place of residence  
and the claimant can clearly show within 14 days of  
18 arrival at the new place of residence an attachment to  
the new labor market, and the claimant is in all  
20 respects able, available and actively seeking suitable  
work;

22 (3) The leaving was in good faith in order to accept  
new employment on a permanent full-time basis and the  
24 new employment did not materialize for reasons  
attributable to the new employing unit; or

26 (4) The leaving was necessary to protect the claimant  
28 from domestic abuse and the claimant made all  
reasonable efforts to preserve the employment; or

30 (5) The leaving was necessary because of the lack of  
32 transportation or dependent care services and the  
34 claimant made reasonable efforts to find transportation  
or make dependent care arrangements necessary to  
36 maintain employment;

38 **Sec. 4. 26 MRSA §1195, sub-§1, ¶A**, as amended by PL 1979, c.  
515, §17, is further amended to read:

40 A. Exhaustee. "Exhaustee" means an individual who, with  
42 respect to any week of unemployment in his the eligibility  
period:

44 (1) Has received, prior to such week, all of the  
46 regular benefits that were available to him the  
individual under this chapter or any other state law,  
48 including dependents' allowances and benefits payable  
to federal civilian employees and ex-servicemen under 5  
50 U.S.C. Chapter 85, in his the current benefit year that  
includes such week; provided that for the purposes of

2 this paragraph, an individual shall--be is deemed to  
4 have received all of the regular benefits that were  
6 available to him that individual although, as a result  
8 of a pending appeal with respect to wages or  
10 employment, or both, that were not considered in the  
12 original monetary determination in his the benefit  
year, he the individual may subsequently be determined  
to be entitled to added regular benefits, or he the  
individual may be entitled to regular benefits with  
respect to future weeks of unemployment,--but--such  
benefits--are--not--payable--with--respect--to--such--week--of  
unemployment--by--reason--of--section--1251;

14 (2) ~~His~~ The individual's benefit year having expired  
16 prior to such week, has no or insufficient wages or  
18 employment, or both, to establish a new benefit year  
20 or, subsequent to December 31, 1971, he does not  
qualify by having sufficient wages or employment, or  
both, as provided by section 1192, subsection 5, since  
the beginning of his the individual's prior benefit  
year; and

22 (3) Has no right to unemployment benefits or  
24 allowances, as the case may be, under the Railroad  
26 Unemployment Insurance Act, or under such other federal  
28 laws as are specified in regulations issued by the  
United States Secretary of Labor; and has not received  
and is not seeking unemployment benefits under the  
unemployment compensation law of Canada; but, if he the  
30 individual is seeking such benefits and the appropriate  
agency finally determines that he the individual is not  
32 entitled to benefits under such law he--shall, the  
individual must be considered an exhaustee if the other  
34 provisions of this definition are met.

36 **Sec. 5. 26 MRSA §1251**, as amended by PL 1997, c. 293, §9, is  
38 repealed.

40 **SUMMARY**

42 The purpose of this bill is to modernize the unemployment  
44 insurance system in 3 areas. First, it provides coverage to  
46 part-time workers if they are able and available to work at least  
20 hours a week. Second, it prevents disqualification of a  
48 person who loses a job because of a child care or  
transportation-related problem provided that the person took all  
reasonable steps to maintain that employment. Finally, it  
removes a provision from current law that penalizes persons who  
50 have worked in seasonal industries even though they are able,  
available and actively seeking employment on a full-time,  
52 year-round basis.