

# MAINE STATE LEGISLATURE

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L.D. 240

DATE: 5-20-03

(Filing No. H-482)

MAJORITY  
LABOR

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12 the House.

14 STATE OF MAINE  
16 HOUSE OF REPRESENTATIVES  
18 121ST LEGISLATURE  
20 FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 195, L.D. 240, Bill, "An  
Act to Ensure that Maine's Unemployment System is Responsive to  
the Needs of Today's Workforce"

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Amend the bill by striking out everything after the enacting  
clause and before the summary and inserting in its place the  
following:

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'Sec. 1. 26 MRSA §1192, sub-§3, as repealed and replaced by PL  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

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3. Is able and available for work. He ~~The 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  
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.

COMMITTEE AMENDMENT

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A. Notwithstanding this subsection, beginning January 1, 2004, an individual who is not available for full-time work as required in this subsection is not disqualified from receiving benefits if:

(1) The individual worked less than full time for a majority of the weeks during that individual's base period and the individual is able and available for and actively seeking part-time work for at least the number of hours in a week comparable to those customarily worked in part-time employment during that individual's base period; or

(2) The individual worked full time for a majority of the weeks during that individual's base period, but is able and available for and actively seeking only part-time work because of the illness or disability of an immediate family member or because of limitations necessary for the safety or protection of the individual or individual's immediate family member.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**LABOR, DEPARTMENT OF**

**Unemployment Compensation Benefit  
Account 0245**

Initiative: Allocates funds to provide for the additional cost of providing unemployment benefits to persons who are unavailable for full-time work under certain circumstances.

<b>Employment Security Trust Fund</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	\$2,280,000	\$2,320,000
Employment Security Trust		
Fund Total	\$2,280,000	\$2,320,000'

**SUMMARY**

This amendment replaces the bill. It provides the specific circumstances under which a person who is unavailable for full-time work can continue to be eligible for unemployment benefits.

A person who has a history of part-time work is not disqualified from receiving unemployment benefits as long as that person continues to be available to work for a number of hours

COMMITTEE AMENDMENT "A" to H.P. 195, L.D. 240

2 comparable to the number worked during part-time weeks in the  
base period.

4 A person who is unavailable to work full-time is not  
disqualified from receiving benefits if the person's lack of  
6 availability is the result of illness or disability of an  
immediate family member or the lack of availability is necessary  
8 for the safety or protection of the individual or a member of the  
individual's immediate family.

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12 **FISCAL NOTE REQUIRED**  
(See attached)



**121st Maine Legislature  
Office of Fiscal and Program Review**

**LD 240**

**An Act to Ensure that Maine's Unemployment System is Responsive to  
the Needs of Today's Workforce**

**LR 1502(02)**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Labor**

**Fiscal Note Required: Yes**

**Fiscal Note**

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
<b>Appropriations/Allocations</b>				
Employment Security Trust Fund	\$2,280,000	\$2,320,000	\$2,460,000	\$2,560,000

**Fiscal Detail and Notes**

The Department of Labor estimates this bill will increase benefit costs by \$2,280,000 in fiscal year 2003-04 and \$2,320,000 in fiscal year 2004-05. This bill includes Other Fund allocations to the Unemployment Compensation Benefit Account within the Department of Labor for the additional cost of providing unemployment benefits to persons who are not available for full-time work under certain circumstances.

The State, with a few exceptions, is a direct reimbursement employer and, as such, would experience some increase in unemployment compensation costs if these rules are implemented. However, there are relatively few part time state employees and the costs, when spread over all agencies, should be able to be absorbed.