

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 880

H.P. 657

House of Representatives, February 20, 2003

An Act To Eliminate the Social Security Offset for Unemployment Benefits

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HUTTON of Bowdoinham.
Cosponsored by Senator EDMONDS of Cumberland and
Representatives: BLANCHETTE of Bangor, GROSE of Woolwich, HATCH of Skowhegan,
JACKSON of Fort Kent, O'BRIEN of Lewiston, PATRICK of Rumford, SMITH of Van
Buren, Senator: HATCH of Somerset.

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

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Sec. 1. 26 MRSA §1193, sub-§9, as enacted by PL 1981, c. 149, §4, is repealed.

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Sec. 2. 26 MRSA §1193, sub-§9-A is enacted to read:

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9-A. Receiving pension. Except as provided in this subsection, for any week with respect to which the individual is receiving a governmental or other pension, retirement or retired pay, annuity or any other similar periodic payment under a plan maintained or contributed to by a base period or chargeable employer.

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A. The individual receives benefits with no reduction under this subsection if:

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(1) The individual contributed at least 50% of the contributions to the plan;

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(2) All contributions to the plan were made by the individual and an employer or any other person or organization who is not a base period or chargeable employer; or

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(3) Except for pensions paid under the United States Social Security Act or the federal Railroad Retirement Act of 1974, or the corresponding provisions of prior law, the services performed by the individual during the base period, or remuneration received for these services, for the employer did not affect the individual's eligibility for, or increase the amount of, that pension, retirement or retired pay, annuity or similar payment.

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B. If the individual contributed to the plan, but not at least 50% of the contributions, the individual receives a benefit reduced by the prorated weekly amount of the pension after deduction of that portion of the pension that is directly attributable to the percentage of the contributions made to the plan by that individual. The benefit may not be reduced below zero.

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SUMMARY

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This bill eliminates the pension offset against unemployment benefits for persons who receive Social Security or other pensions, provided the person contributed at least 50% of the

2 contributions to that pension. As under current law, if the person contributed some amount to the pension, but not 50%, the offset is made in proportion to the employee's contribution.