

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 425

H.P. 310

House of Representatives, January 27, 2005

An Act To Amend the Laws Relating to Unemployment Compensation

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FISCHER of Presque Isle.

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

2 Sec. 1. 26 MRSA §1043, sub-§11, ¶F, as amended by PL 2003, c.
4 414, Pt. B, §38 and affected by c. 614, §9, is further amended by
6 amending subparagraph (34) to read:

8 (34) Services performed in the delivery or
10 distribution of periodicals ~~to the ultimate consumer~~ by
12 an individual ~~who is compensated by receiving or~~
14 ~~retaining a commission or profit on the sale of the~~
16 ~~periodical,~~ when:

18 (a) Substantially all of the remuneration for the
20 performance of the services is directly related to
22 sales or other output, including the performance
24 of services, rather than to the number of hours
26 worked; and

(b) The services performed by the individual are
 performed pursuant to a written contract between
 that individual and the person for whom services
 are performed and that contract provides that the
 person will not be treated as an employee with
 respect to such services for state unemployment
 compensation tax purposes;

28 **SUMMARY**

30 This bill amends the exemption from the definition of
32 "employment" as it relates to delivery and distribution of
34 periodicals. Currently, only those delivery or distribution
36 workers who deliver directly to consumers fall within the
38 exemption. This bill expands the exemption to include workers
that deliver bundles of periodicals to businesses and the like,
thereby making state law consistent with federal law governing
social security and unemployment taxes.