

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 573

S.P. 181

In Senate, February 3, 2005

An Act To Generate Savings in the Unemployment Compensation Fund

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CLUKEY of Aroostook.

Cosponsored by Representative MILLETT of Waterford and

Senator: DOW of Lincoln, Representatives: CARR of Lincoln, JOY of Crystal, SHERMAN of Hodgdon, THOMAS of Ripley.

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

2
4 **Sec. 1. 26 MRSA §1193, sub-§7-A**, as enacted by PL 1985, c. 420, §2, is amended to read:

6 **7-A. Absence from work due to incarceration.** For the
8 duration of ~~his~~ the claimant's unemployment subsequent to a
discharge arising from ~~his~~ the claimant's absence from work for
10 more than 2 workdays due to ~~his~~ the claimant's incarceration for
conviction of a criminal offense. This disqualification
12 continues until the claimant has earned 4 times ~~his~~ the
claimant's weekly benefit amount in employment by an employer; ~~or~~

14 **Sec. 2. 26 MRSA §1193, sub-§9**, as enacted by PL 1981, c. 149,
16 §4, is amended to read:

18 **9. Receiving pension.** For any week with respect to which
he ~~the individual~~ is receiving a governmental or other pension,
20 retirement or retired pay, annuity or any other similar periodic
payment under a plan maintained or contributed to by a base
22 period or chargeable employer; except that ~~he--shall~~ the
individual must receive benefits reduced, but not below zero, as
follows:

24 A. By the prorated weekly amount of the pension after
26 deduction of that portion of the pension that is directly
attributable to the percentage of the contributions made to
28 the plan by that individual;

30 B. By the entire prorated weekly amount of the pension if
paragraph A or C does not apply; or

32 C. By no part of the pension if the entire contributions to
34 the plan were provided by the individual or by the
individual and an employer, or any other person or
36 organization, who is not a base period or chargeable
employer.

38
40 No reduction may be made under this subsection by reason of the
receipt of a pension if the services performed by the individual
42 during the base period, or remuneration received for these
services, for the employer did not affect the individual's
44 eligibility for, or increase the amount of that pension,
retirement or retired pay, annuity or similar payment. The
46 conditions specified by this paragraph ~~shall do~~ not apply to
pensions paid under the United States Social Security Act or the
48 Railroad Retirement Act of 1974, or the corresponding provisions
of prior law. Payments made under those Acts ~~shall~~ must be
50 treated solely in the manner specified by paragraphs A, B and C;
or

52 **Sec. 3. 26 MRSA §1193, sub-§10** is enacted to read:

2 10. Received workers' compensation lump sum settlement.
3 For any week with respect to which the claimant received an
4 indemnity payment as part of a workers' compensation lump sum
5 settlement. If the payment received is less than the benefits
6 that would otherwise be due under this chapter, the claimant is
7 entitled to receive for that week, if otherwise eligible,
8 benefits reduced by the amount of the payment, rounded to the
9 nearest lower full dollar amount. The indemnity portion of the
10 workers' compensation lump sum settlement must be prorated and
11 applied in a reasonable manner that may include application to
12 weeks both before and after the date of the receipt of the
13 settlement.

14
15 The parties to the settlement shall identify the types of
16 payments included in the lump sum and notify the Department of
17 Labor of such settlements if a claim for unemployment
18 compensation is filed.

20

SUMMARY

22

23 This bill requires the reduction of unemployment benefits to
24 any individual who receives an indemnity payment as part of a
25 workers' compensation lump sum settlement. The indemnity portion
26 of the workers' compensation lump sum settlement must be prorated
27 and applied in a reasonable manner that may include application
28 to weeks both before and after the date of the receipt of the
 settlement.