

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1384

H.P. 961

House of Representatives, March 22, 2005

**An Act To Assist Businesses To Retain Seasonal Employees and
Reduce the Burden on the Bureau of Unemployment Compensation**

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BISHOP of Boothbay.
Cosponsored by Senator DOW of Lincoln.

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

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4 **Sec. 1. 26 MRSA §1193, sub-§3, ¶B,** as amended by PL 1983, c.
650, §1, is further amended to read:

6 B. Notwithstanding any other provisions of this chapter,
8 work shall may not be deemed determined suitable and
10 benefits shall may not be denied under this chapter to any
otherwise eligible individual for refusing to accept new
work under any of the following conditions:

12 (1) If the position offered is vacant due directly to
14 a strike, lockout or other labor dispute;

16 (2) If the wages, hours or other conditions of work
18 are substantially less favorable to the individual than
those prevailing for similar work in the locality;

20 (3) If, as a condition of being employed, the
22 individual would be required to join a company union or
to resign from or refrain from joining any bona fide
labor organization;

24 (4) If the position offered is the same one previously
26 vacated by the claimant for good cause attributable to
that employment or is the position which that the
28 employee left for reasons attributable to that
employment, but which that were found insufficient to
30 relieve disqualification for benefits under subsection
1, paragraph A, provided that, in either instance, the
32 specific good cause or specific reasons for leaving
have not been removed or otherwise changed; and

34 (5) If the position offered is on a shift, the greater
36 part of which falls between the hours of midnight to 5
a.m., and is refused because of parental obligation,
38 the need to care for an immediate family member, or the
unavailability of a personal care attendant required to
40 assist the unemployed individual who is a handicapped
person; and

42 (6) If an otherwise eligible person has been laid off
44 due to the employer's lack of work and has a definite
offer of recall to work with the same employer within 8
46 weeks of that layoff date.

SUMMARY

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4 Current Department of Labor rules waive the work search
6 requirement for unemployment benefits for a laid off employee if
8 the employer gives the employee a recall notice guaranteeing that
10 the employee will be rehired within 6 weeks, saving the employee
12 and the Department of Labor, Bureau of Unemployment Compensation
14 the burden of the employee's unnecessarily having to look for
16 other work and report weekly on that search to the bureau.
Current law also bases the unemployment contribution for
employers on the individual employer's past experience rating
record. This bill allows an employer to lay off an employee for
up to 8 weeks without the employee having to meet the job search
requirement, better enabling a seasonal employer to retain
trained employees while recapturing a portion of the cost of the
benefits with a higher rate due to the employer's experience
rating record.