

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 27

H.P. 22

House of Representatives, January 5, 2009

**An Act To Amend the Definition of Employment for Purposes of
Unemployment Compensation**

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FLOOD of Winthrop.

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

2 **Sec. 1. 26 MRSA §1043, sub-§11, ¶E**, as amended by PL 1979, c. 651, §45, is
3 further amended to read:

4 E. Services performed by an individual for remuneration ~~shall be~~ for a total of no
5 less than 16 hours are deemed to be employment subject to this chapter unless and
6 until it is shown to the satisfaction of the bureau that:

7 (1) Such individual has been and will continue to be free from control or
8 direction over the performance of such services, both under ~~his~~ the individual's
9 contract of service and in fact;

10 (2) Such service is either outside the usual course of the business for which such
11 service is performed, or that such service is performed outside of all the places of
12 business of the enterprise for which such service is performed; and

13 (3) Such individual is customarily engaged in an independently established trade,
14 occupation, profession or business.

15 **SUMMARY**

16 Under current law, an employment relationship exists and unemployment insurance
17 coverage is required unless all three parts of the so-called "ABC test" can be
18 demonstrated. This bill limits application of the ABC test to situations in which the
19 individual has performed services for a total of no less than 16 hours.

20