

# MAINE STATE LEGISLATURE

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STATE LAW  
AUGUSTA, MAINE

# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 1454

S.P. 541

In Senate, April 9, 2009

**An Act To Provide Additional Unemployment Benefits and Make  
Statutory Revisions in Accordance with the American Recovery and  
Reinvestment Act of 2009**

(EMERGENCY)

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Reference to the Committee on Labor suggested and ordered printed.

Handwritten signature of Joy J. O'Brien in cursive.

JOY J. O'BRIEN  
Secretary of the Senate

Presented by President MITCHELL of Kennebec. (GOVERNOR'S BILL)  
Cosponsored by Speaker PINGREE of North Haven and  
Senators: BARTLETT of Cumberland, COURTNEY of York, MARRACHÉ of Kennebec,  
RAYE of Washington, Representatives: BERRY of Bowdoinham, CURTIS of Madison,  
PIOTTI of Unity, TARDY of Newport.

1           **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** there is a federal option that permits the State's long-term unemployed  
4 workers to qualify for either 13 or 20 weeks of additional unemployment benefits during  
5 periods of high unemployment; and

6           **Whereas,** effective February 17, 2009, the American Recovery and Reinvestment  
7 Act of 2009, Public Law 111-5 made changes to the laws governing extended benefits in  
8 the unemployment compensation program, under which this option exists, such that in  
9 most cases, 100% of the benefits paid out under this program would be paid by the  
10 federal government for weeks of unemployment beginning after February 17, 2009 and  
11 before January 1, 2010; and

12           **Whereas,** it is likely that as many as 9,900 unemployed workers of the State would  
13 benefit from extended benefits in the unemployment compensation program if the federal  
14 option were temporarily adopted by the State; and

15           **Whereas,** in addition, a change must be made to the Maine Revised Statutes, Title  
16 26, section 1193, subsection 1 in order for this State to meet the provisions of the  
17 American Recovery and Reinvestment Act of 2009, Public Law 111-5, Section 2003  
18 pertaining to special transfers for unemployment compensation modernization; and

19           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
20 the meaning of the Constitution of Maine and require the following legislation as  
21 immediately necessary for the preservation of the public peace, health and safety; now,  
22 therefore,

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

24           **Sec. 1. 26 MRSA §1193, sub-§1, ¶A,** as amended by PL 2003, c. 28, §1, is  
25 further amended to read:

26           A. For the week in which the claimant left regular employment voluntarily without  
27 good cause attributable to that employment. The disqualification continues until the  
28 claimant has earned 4 times the claimant's weekly benefit amount in employment by  
29 an employer. A claimant may not be disqualified under this paragraph if:

30                   (1) The leaving was caused by the illness or disability of the claimant or an  
31 immediate family member and the claimant took all reasonable precautions to  
32 protect the claimant's employment status by promptly notifying the employer of  
33 the reasons for the absence and by promptly requesting reemployment when  
34 again able to resume employment need for time off, a change or reduction in  
35 hours or a shift change and being advised by the employer that the time off or  
36 change or reduction in hours or shift change cannot or will not be accommodated;

37                   (2) The leaving was necessary to accompany, follow or join the claimant's  
38 spouse in a new place of residence and the claimant can clearly show within 14  
39 days of arrival at the new place of residence an attachment to the new labor

1 market, and the claimant is in all respects able, available and actively seeking  
2 suitable work;

3 (3) The leaving was in good faith in order to accept new employment on a  
4 permanent full-time basis and the new employment did not materialize for  
5 reasons attributable to the new employing unit;

6 (4) The leaving was necessary to protect the claimant or any member of the  
7 claimant's immediate family from domestic abuse or the leaving was due to  
8 domestic violence that caused the claimant reasonably to believe that the  
9 claimant's continued employment would jeopardize the safety of the claimant or  
10 any member of the claimant's immediate family and the claimant made all  
11 reasonable efforts to preserve the employment; or

12 (5) The claimant's employer announced in writing to employees that it planned  
13 to reduce the work force through a layoff or reduction in force and that  
14 employees may offer to be among those included in the layoff or reduction in  
15 force, at which time the claimant offered to be one of the employees included in  
16 the layoff or reduction in force and the claimant's employer accepted the  
17 claimant's offer, thereby ending the employment relationship.

18 Separation from employment based on the compelling family reasons in  
19 subparagraphs 1, 2 and 4 does not result in disqualification.

20 **Sec. 2. Alternative trigger.** In addition to the conditions provided in the Maine  
21 Revised Statutes, Title 26, section 1195, there is a state "on" indicator for a week in the  
22 period from February 17, 2009 until the week ending December 12, 2009 or until the  
23 week ending 3 weeks prior to the last week for which federal sharing is authorized by the  
24 American Recovery and Reinvestment Act of 2009, Public Law 111-5, Section 2005(a),  
25 whichever is later, if:

26 1. The average rate of seasonally adjusted total unemployment in this State, as  
27 determined by the United States Secretary of Labor, for the period consisting of the most  
28 recent 3 months for which data for all states are published before the close of that week  
29 equals or exceeds 6.5%; and

30 2. The average rate of seasonally adjusted total unemployment in this State, as  
31 determined by the United States Secretary of Labor, for the 3-month period referred to in  
32 subsection 1 equals or exceeds 110% of the average rate for either or both of the  
33 corresponding 3-month periods ending in the 2 preceding calendar years.

34 **Sec. 3. Total extended benefit amount.** For the period from February 17, 2009  
35 until the week ending December 12, 2009 or until the week ending 3 weeks prior to the  
36 last week for which federal sharing is authorized by the American Recovery and  
37 Reinvestment Act of 2009, Public Law 111-5, Section 2005(a), whichever is later, and  
38 effective with respect to weeks beginning in a high unemployment period, the total  
39 extended benefit amount payable to any eligible individual with respect to the applicable  
40 benefit year is the least of the following amounts:

1 1. Eighty percent of the total amount of regular benefits that were payable to the  
2 individual under the Maine Revised Statutes, Title 26, chapter 13 in the applicable benefit  
3 year;

4 2. Twenty times the weekly benefit amount that was payable to the individual under  
5 Title 26, chapter 13 for a week of total unemployment in the applicable benefit year; and

6 3. Forty-six times the weekly benefit amount that was payable to the individual  
7 under Title 26, chapter 13 for a week of total unemployment in the applicable benefit  
8 year, reduced by the total amount of regular benefits that were paid, or deemed paid, to  
9 the individual under Title 26, chapter 13 with respect to the benefit year.

10 For purposes of this section, "high unemployment period" means any period during  
11 which an extended benefit period would be in effect if section 1 of this Act were applied  
12 with an average seasonally adjusted unemployment rate of 8% instead of 6.5%.

13 **Sec. 4. Definitions.** In addition to the definition of "exhaustee" in the Maine  
14 Revised Statutes, Title 26, section 1195, subsection 1, paragraph A, in the context of the  
15 extended benefits in the unemployment compensation program provided by this Act,  
16 "exhaustee" means an individual who, with respect to any week of unemployment in that  
17 individual's eligibility period, has received, prior to such week, all of the federal  
18 emergency unemployment compensation 2008 benefits that were available to that  
19 individual.

20 **Sec. 5. Eligibility period.** In the context of the extended benefits in the  
21 unemployment program provided by this Act, "eligibility period" of an individual means  
22 the period consisting of the weeks in the individual's benefit year or a period in which the  
23 individual is collecting benefits under the federal emergency unemployment  
24 compensation 2008 program that begins in an extended benefit period and, if the  
25 individual's benefit year or period of benefit collection under the federal emergency  
26 unemployment compensation 2008 program ends within such extended benefit period,  
27 any weeks thereafter that begin in such period.

28 **Sec. 6. Fund.** The Commissioner of Administrative and Financial Services shall  
29 establish, within the Department of Administrative and Financial Services, the  
30 Emergency Unemployment Benefit Reimbursement Fund, referred to in this section as  
31 "the fund." The fund must be used to reimburse eligible employers for the cost of  
32 extended benefits paid on their behalf from the Unemployment Compensation Fund  
33 under the Maine Revised Statutes, Title 26, section 1141 as a result of the triggering of  
34 the "on" indicator provided in this Act.

35 To obtain reimbursement from the fund, an employer must demonstrate to the  
36 administrator of the fund that the employer has paid its bill to the Unemployment  
37 Compensation Fund for the benefits and that the benefits paid were attributable to this  
38 "on" indicator.

39 If amounts in the fund are not sufficient to cover the total cost of the extended  
40 benefits under this Act, the Commissioner of Administrative and Financial Services, on

