

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1474

H.P. 1025

House of Representatives, May 5, 2009

An Act To Assist Maine Workers and Businesses in Succeeding in a Changing Economy

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

Presented by Speaker PINGREE of North Haven.

Cosponsored by President MITCHELL of Kennebec and

Representatives: BUTTERFIELD of Bangor, CAIN of Orono, GILBERT of Jay, MARTIN of Eagle Lake, TUTTLE of Sanford, Senators: BARTLETT of Cumberland, JACKSON of Aroostook.

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

2 **Sec. 1. 26 MRSA §1043, sub-§5**, as corrected by RR 1991, c. 1, §35, is amended
3 to read:

4 **5. Benefit year.** "Benefit year" means the one-year period beginning with the date
5 with respect to which an insured worker files a request for determination of ~~his~~ the
6 worker's insured status, and thereafter the one-year period beginning with the date with
7 respect to which ~~he~~ the worker next files such a request after the end of ~~his~~ the worker's
8 last preceding benefit year. If an insured worker files a request for determination of ~~his~~
9 the worker's insured status during a week in which one calendar quarter ends and another
10 begins, the benefit year for applicable base period identity purposes ~~shall be~~ is deemed to
11 begin on the first day of the new calendar quarter.

12 B. A dislocated worker, as defined in section 1196, subsection 1, enrolled in a
13 training program approved under section 1192, subsection 6, ~~6-A or 6-B, 6-C, 6-D or~~
14 ~~6-E~~ who has exhausted ~~his~~ the worker's benefit year within 30 months of ~~his~~ the
15 worker's enrollment in the training program, ~~shall be~~ is entitled to the product of ~~his~~
16 the worker's most recent weekly benefit amount multiplied by the number of weeks in
17 which that person is in an approved training program, up to a maximum of 26 weeks,
18 provided that no benefits may be paid under this paragraph to any person:

19 (1) Until the person has exhausted benefits for which that person is eligible
20 under any unemployment insurance benefit program funded in whole or in part
21 by the State Government or Federal Government; or

22 (2) Who is eligible for or who has exhausted, after the effective date of this
23 paragraph, trade adjustment allowances as provided by the United States Trade
24 Act of 1974, Title II, Chapter 2, Public Law 93-617, United States Code, Title 19,
25 Section 2291, et seq., and any amendments or additions thereto, or a similar
26 successor provision of that Act, except that any individual who was eligible for
27 and received less than 26 weeks of benefits under the United States Trade Act
28 may receive benefits for the number of weeks by which their benefits under that
29 Act are less than 26 weeks; ~~or~~

30 ~~(3) For a subsequent enrollment in any training program after his initial~~
31 ~~enrollment, following the effective date of this paragraph, and final termination~~
32 ~~of a training program approved under section 1192, subsection 6, 6-A or 6-B.~~

33 In the case of a combined-wage claim pursuant to the arrangement approved by the
34 secretary in accordance with section 1082, subsection 12, the benefit year ~~shall be~~ is that
35 applicable under the unemployment compensation law of the paying state.

36 **Sec. 2. 26 MRSA §1191, sub-§4**, as amended by PL 1987, c. 570, §2, is further
37 amended to read:

38 **4. Maximum amount of benefits.** The maximum amount of benefits ~~which shall~~
39 that may be paid to any eligible individual with respect to any benefit year, whether for
40 total or partial unemployment, ~~shall~~ may not exceed the lesser of 26 times ~~his~~ the
41 individual's weekly benefit amount or 33 1/3%, rounded to the nearest dollar, of ~~his~~ the

1 individual's total wages paid for insured work during ~~his~~ the individual's base period, plus
2 the supplemental weekly benefit for dependents payable under subsection 6.

3 A. If a dislocated worker, as defined in section 1196, subsection 1, who is in
4 training approved under section 1192, subsection 6, ~~6-A or 6-B, 6-C, 6-D or 6-E~~
5 qualifies for additional benefits under section 1043, subsection 5, paragraph B, or
6 exhausts ~~his~~ the worker's entitlement to benefits available to ~~him~~ the worker under
7 this subsection, the maximum amount under this subsection ~~shall be~~ is the product of
8 ~~his~~ the worker's most recent weekly benefit amount multiplied by the number of
9 weeks in which ~~he~~ the worker thereafter attends an approved training program. No
10 increase may be made under this paragraph, with respect to any benefit period,
11 greater than 26 times the individual's weekly benefit amount.

12 (1) Benefits paid to an individual under this paragraph ~~shall~~ may not be charged
13 against the experience rating record of any employer, but ~~shall~~ must be charged
14 to the General Fund.

15 (2) No benefits may be paid under this paragraph to any person:

16 (b) Until the person has exhausted benefits for which ~~he~~ the person is
17 eligible under any unemployment insurance benefit program funded in whole
18 or in part by the State Government or Federal Government; or

19 (c) Who is eligible for or who has exhausted, after the effective date of this
20 paragraph, trade adjustment allowances as provided by the United States
21 Trade Act of 1974, Title II, Chapter 2, Public Law 93-617, United States
22 Code, Title 19, Section 2291, et seq., and any amendments or additions
23 thereto, or a similar successor provision of that Act, except that any
24 individual who was eligible for and received less than 26 weeks of benefits
25 under the United States Trade Act may receive benefits for the number of
26 weeks by which their benefits under that Act are less than 26 weeks; ~~or.~~

27 ~~(d) For a subsequent enrollment in any training program after his initial~~
28 ~~enrollment, following the effective date of this paragraph, and final~~
29 ~~termination of a training program approved under section 1192, subsection 6,~~
30 ~~6-A or 6-B.~~

31 **Sec. 3. 26 MRSA §1192, sub-§6-D,** as amended by PL 1995, c. 665, Pt. DD, §1
32 and affected by §12, is further amended to read:

33 **6-D. Prohibition against disqualification of individuals in approved training.**
34 Notwithstanding any provisions of this chapter, the acceptance of training for
35 opportunities available under ~~section~~ sections 2031 and 2033 is deemed to be acceptance
36 of training with state approval under federal or state law relating to unemployment
37 benefits.

38 **Sec. 4. 26 MRSA §1196, sub-§1, ¶A,** as enacted by PL 1985, c. 591, §5, is
39 amended to read:

40 A. An individual who:

1 (1) Has been terminated or laid off from employment as a result of a reduction of
2 operations at the individual's place of employment or who has received a notice
3 of termination or layoff from employment;

4 ~~(2) Is eligible for or has exhausted his entitlement to unemployment~~
5 ~~compensation; and~~

6 ~~(3) Is unlikely to return to his previous industry or occupation;~~

7 **Sec. 5. Review; report.** The Commissioner of Labor shall review the
8 unemployment insurance program established under the Maine Revised Statutes, Title 26,
9 chapter 13 to determine factors that contribute to the State's low reciprocity rate relative to
10 other states as determined by the United States Department of Labor, Office of
11 Workforce Security, Division of Fiscal and Actuarial Services. For purposes of this
12 section, "reciprocity rate" means the number of insured unemployed persons in regular
13 unemployment insurance programs as a percent of the total unemployed persons. The
14 commissioner shall report findings, including any recommendations to improve the
15 unemployment insurance reciprocity rate, to the Joint Standing Committee on Labor by
16 January 15, 2010. The Joint Standing Committee on Labor is authorized to introduce any
17 legislation in response to this report to the Second Regular Session of the 124th
18 Legislature.

19 **SUMMARY**

20 This bill amends the definition of "dislocated worker" used to establish eligibility for
21 extended unemployment benefits for workers in an approved training program. It extends
22 coverage beyond those laid off as a result of a plant closing to those who have been
23 terminated or laid off as a result of a reduction in operations at their place of employment.
24 The bill removes the provision making individuals who previously completed an
25 approved training program ineligible for the extended unemployment benefit program for
26 dislocated workers. It also updates cross-references to approved training programs to
27 reflect current additions to this list. Finally, it directs the Commissioner of Labor to
28 examine the State's unemployment insurance program to determine why the State's
29 percent of unemployed workers receiving unemployment benefits appears low relative to
30 other states.