

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2010

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Legislative Document

No. 1543

H.P. 1087

House of Representatives, December 21, 2009

### **An Act To Make Maine Laws Consistent with Recent Amendments to the United States Trade Act of 1974**

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Submitted by the Department of Labor pursuant to Joint Rule 204.

Received by the Clerk of the House on December 17, 2009. Referred to the Committee on Labor pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative TUTTLE of Sanford.

Cosponsored by Representatives: BLODGETT of Augusta, BUTTERFIELD of Bangor, CUSHING of Hampden, GILBERT of Jay, THIBODEAU of Winterport, Senators: DAVIS of Cumberland, JACKSON of Aroostook.

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

2 **Sec. 1. 26 MRSA §1191, sub-§3**, as amended by PL 1991, c. 193, §3, is further  
3 amended to read:

4 **3. Weekly benefit for partial unemployment.** Each eligible individual who is  
5 partially unemployed in any week must be paid a partial benefit for that week. The  
6 partial benefit is equal to the weekly benefit amount less the individual's weekly earnings  
7 in excess of \$25. ~~Any amount received from the Federal Government by members of the  
8 National Guard and organized reserve, including base pay and allowances or any amounts  
9 received as a volunteer firefighter, as a volunteer emergency medical services person or  
10 as elected members of the Legislature, is not considered wages for the purpose of this  
11 subsection.~~ The following amounts are not considered wages for purposes of this  
12 subsection:

13 A. Amounts received from the Federal Government by a member of the National  
14 Guard and organized reserve, including base pay and allowances;

15 B. Amounts received as a volunteer firefighter or as a volunteer emergency medical  
16 services person;

17 C. Amounts received as an elected member of the Legislature; and

18 D. Earnings for the week received as a result of participation in full-time training  
19 under the United States Trade Act of 1974 as amended by the United States Trade  
20 and Globalization Adjustment Assistance Act of 2009 up to an amount equal to the  
21 individual's most recent weekly benefit amount.

22 **Sec. 2. 26 MRSA §1192, sub-§6-A**, as enacted by PL 1981, c. 548, §2, is  
23 amended to read:

24 **6-A. Prohibition against disqualification of individuals in approved training**  
25 **under the United States Trade Act of 1974.** Notwithstanding any other provisions of  
26 this chapter, no otherwise eligible individual may be denied benefits for any week  
27 because ~~he~~ the individual is in training approved under 19 United States Code, Section  
28 2296(a) or under any amendment or addition to the United States Trade Act of 1974,  
29 Section 236 (a) (1); nor may that individual be denied benefits by reason of leaving work  
30 to enter that training, provided the work left is not suitable employment, or because of the  
31 application to any such week in training of provisions in this chapter, or any applicable  
32 federal unemployment compensation law, relating to availability for work, active search  
33 for work or refusal to accept work. Benefits paid to any eligible claimant while in such  
34 training for which, except for this subsection, the claimant could be disqualified under  
35 section 1193, subsection 1 or 3, ~~shall~~ may not be charged against the experience rating  
36 record of any employer but ~~shall~~ must be charged to the General Fund.

37 For purposes of this subsection, the term "suitable employment" means with respect to an  
38 individual, work of a substantially equal or higher skill level than the individual's past  
39 adversely affected employment, as defined for purposes of the United States Trade Act of  
40 1974, and wages for such work at not less than 80% of the individual's average weekly  
41 wage as determined for the purposes of the United States Trade Act of 1974.

**SUMMARY**

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This bill makes statutory changes to reflect amendments to the United States Trade Act of 1974 made by the United States Trade and Globalization Adjustment Assistance Act of 2009 and corrects a cross-reference.