

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1329

S.P. 460

In Senate, April 3, 2013

**An Act To Provide Equity for Seasonal Public School Employees
Concerning Unemployment**

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator PATRICK of Oxford.
Cosponsored by Representative HERBIG of Belfast and
Senators: GERZOFSKY of Cumberland, HASKELL of Cumberland, JACKSON of Aroostook,
MILLETT of Cumberland, TUTTLE of York, Representatives: BROOKS of Winterport,
CAREY of Lewiston.

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

2 **Sec. 1. 26 MRSA §1192, sub-§7, ¶B**, as amended by PL 1983, c. 13, §7, is
3 repealed.

4 **Sec. 2. 26 MRSA §1192, sub-§7, ¶C**, as amended by PL 1977, c. 585, §2, is
5 further amended to read:

6 C. With respect to weeks of unemployment beginning after December 31, 1977,
7 benefits ~~shall~~ must be denied to any individual for any week ~~which that~~ commences
8 during an established and customary vacation period or holiday recess if such
9 individual performs any services described in ~~paragraphs~~ paragraph A or B services
10 in any other capacity in the period immediately before such vacation period or
11 holiday recess, and there is annual written reasonable assurance that such individual
12 will perform any such services in the period immediately following such vacation
13 period or holiday recess. This paragraph does not apply to an individual who is
14 employed in a capacity other than an instructional, research or principal
15 administrative capacity with respect to any week that commences during a period
16 between 2 successive academic years or terms; and

17 **Sec. 3. 26 MRSA §1192, sub-§7, ¶D**, as enacted by PL 1979, c. 515, §14, is
18 amended to read:

19 D. With respect to weeks of unemployment beginning after June 30, 1979, benefits
20 ~~shall~~ must be denied to an individual who performed services in an educational
21 institution while in the employ of an educational service agency for any week ~~which~~
22 ~~that~~ commences during a period described in ~~paragraphs~~ paragraph A, B and C if that
23 individual performs any services described in ~~paragraphs~~ paragraph A or B in the first
24 of these periods, ~~as specified in the applicable paragraph,~~ and there is a contract or a
25 reasonable assurance ~~as applicable in the appropriate paragraph,~~ that the individual
26 will perform these services in the 2nd of these periods, ~~as applicable in the~~
27 ~~appropriate paragraph~~ and benefits must be denied to such an individual for any week
28 that commences during a period described in paragraph C if that individual performs
29 any services described in paragraph A or any other services in the first of these
30 periods and there is reasonable assurance that the individual will perform these
31 services in the 2nd of these periods. For purposes of this paragraph the term
32 "educational service agency" means a governmental agency or governmental entity
33 ~~which that~~ is established and operated exclusively for the purposes of providing these
34 services to one or more educational institutions.

35 **SUMMARY**

36 This bill allows school employees, except those that work in an instructional,
37 research or principal administrative capacity, to collect unemployment benefits during
38 months they are not employed.