

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2014

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Legislative Document

No. 1668

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S.P. 663

In Senate, December 23, 2013

**An Act To Expedite Training Waiver Decisions for Unemployment  
Claimants by Transferring Original Jurisdiction from the  
Unemployment Insurance Commission to the Bureau of  
Unemployment Compensation**

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

Received by the Secretary of the Senate on December 23, 2013. Referred to the Committee on Labor, Commerce, Research and Economic Development pursuant to Joint Rule 308.2 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

Senator: LANGLEY of Hancock, Representatives: HAMANN of South Portland, LOCKMAN of Amherst, MALABY of Hancock, VOLK of Scarborough.

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

2 **Sec. 1. 26 MRSA §1192, sub-§6**, as amended by PL 1991, c. 870, §3, is further  
3 amended to read:

4 **6. Approved training.** Notwithstanding any other provisions of this chapter, any  
5 otherwise eligible claimant in training, as approved for the claimant by the ~~commission~~  
6 deputy, under rules adopted by the commission with the advice and consent of the  
7 commissioner, may not be denied benefits for any week with respect to subsection 3,  
8 relating to availability and the work search requirement or the provisions of section 1193,  
9 subsection 3. Enrollment in a degree-granting program may not be the sole cause for  
10 denial of approved training status for an otherwise eligible claimant. Benefits paid to any  
11 eligible claimant while in approved training, for which, except for this subsection, the  
12 claimant could be disqualified under section 1193, subsection 3, may not be charged  
13 against the experience rating record of any employer but must be charged to the General  
14 Fund. The commission has appellate jurisdiction over these cases on appeal from the  
15 deputy. For purposes of this subsection, "the deputy" means a representative from the  
16 bureau designated by the commissioner.

17 **Sec. 2. 26 MRSA §1192, sub-§6-C**, as repealed and replaced by PL 1989, c. 502,  
18 Pt. A, §109, is amended to read:

19 **6-C. Prohibition against disqualification of individuals in approved training**  
20 **under section 1196.** Notwithstanding any other provision of this chapter, no otherwise  
21 eligible individual may be denied benefits for any week because that individual is in  
22 training as approved by the ~~commission~~ deputy, under rules adopted by the commission  
23 with the advice and consent of the commissioner, nor may that individual be denied  
24 benefits by reason of leaving work to enter that training, ~~provided that~~ as long as the work  
25 left is not suitable employment. The commission has appellate jurisdiction over these  
26 cases on appeal from the deputy.

27 For purposes of this subsection, ~~the term~~ "suitable employment" means, with respect to an  
28 individual, work of a substantially equal or higher skill level than the individual's past  
29 adversely affected employment, and "the deputy" means a representative from the bureau  
30 designated by the commissioner.

31 **SUMMARY**

32 This bill transfers original jurisdiction over training not approved by the federal  
33 Workforce Investment Act of 1998 from the Maine Unemployment Insurance  
34 Commission to the Department of Labor, Bureau of Unemployment Compensation. This  
35 change allows the Unemployment Insurance Commission to serve in the appellate  
36 capacity for training waiver cases.