

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 700

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H.P. 491

House of Representatives, February 28, 2017

### **An Act To Give Flexibility to Employees and Employers for Temporary Layoffs**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative PARRY of Arundel.  
Cosponsored by Senator BELLOWS of Kennebec and  
Representatives: BERRY of Bowdoinham, DEVIN of Newcastle, FECTEAU of Biddeford,  
SANDERSON of Chelsea, Senator: COLLINS of York.

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

2 **Sec. 1. 26 MRSA §1192, sub-§2**, as amended by PL 2013, c. 314, §1, is further  
3 amended to read:

4 **2. Has registered for work.** The individual has registered for work at, and  
5 continued to report at, an employment office in accordance with rules the commission  
6 adopts, except that the commission may, by rule, waive or alter either or both of the  
7 requirements of this subsection as to individuals attached to regular jobs and as to such  
8 other types of cases or situations with respect to which the commission finds that  
9 compliance with the requirements would be oppressive, or would be inconsistent with the  
10 purposes of this chapter. A rule under this subsection may not conflict with section 1191,  
11 subsection 1.

12 The individual must actively seek work each week in which a claim for benefits is filed  
13 unless the individual is participating in approved training under subsection 6, the  
14 individual is temporarily laid off under subsection 14 or work search has been waived in  
15 accordance with rules adopted by the commission and provide evidence of work search  
16 efforts in a manner and form as prescribed by the Department of Labor. Failure to  
17 provide required work search documentation results in a denial of benefits in accordance  
18 with section 1194, subsection 2 for the week or weeks for which no documentation was  
19 provided unless the department determines there is good cause for the individual's failure  
20 to comply with this requirement;

21 **Sec. 2. 26 MRSA §1192, sub-§12**, as amended by PL 2011, c. 645, §3, is further  
22 amended to read:

23 **12. Participation in reemployment services.** The individual who has been referred  
24 to reemployment services, pursuant to a profiling system established by the  
25 commissioner, participates in those services or similar services unless it is determined  
26 that the individual has completed those services or there is good cause for the individual's  
27 failure to participate; ~~and~~

28 **Sec. 3. 26 MRSA §1192, sub-§13**, as enacted by PL 2011, c. 645, §4, is amended  
29 to read:

30 **13. Reemployment eligibility assessment services; participation.** In the case that  
31 the individual has been referred to reemployment eligibility assessment services by the  
32 Department of Labor, the individual participates in those services, unless the department  
33 determines there is good cause for the individual's failure to participate. Failure to  
34 participate in reemployment eligibility assessment services without good cause results in  
35 a denial of benefits until the individual participates; and

36 **Sec. 4. 26 MRSA §1192, sub-§14** is enacted to read:

37 **14. Temporary layoffs.** Notwithstanding any other provisions of this chapter, any  
38 otherwise eligible claimant who is temporarily laid off by an employer that has given that  
39 individual a definite recall date of not more than 12 weeks from the date of the  
40 individual's temporary layoff may not be denied benefits for any week with respect to

1 subsection 2 or 3, relating to work search requirements, for the duration of that temporary  
2 layoff, so long as the recall date is confirmed by the employer.

3

### **SUMMARY**

4 This bill creates an exemption from the eligibility requirements for unemployment  
5 benefits dealing with work search for an individual otherwise eligible for unemployment  
6 benefits when that individual has been temporarily laid off with a definite recall date of  
7 not more than 12 weeks from the date of the individual's temporary layoff.