

# 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 electronic originals  
(may include minor formatting differences from printed original)



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

---

Legislative Document

No. 1341

S.P. 455

In Senate, April 6, 2017

---

**An Act To Clarify Eligibility for Unemployment Benefits during  
Labor Disputes**

---

Submitted by the Department of Labor pursuant to Joint Rule 204.  
Reference to the Committee on Labor, Commerce, Research and Economic Development  
suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator VOLK of Cumberland.  
Cosponsored by Representative VACHON of Scarborough and  
Representatives: AUSTIN of Gray, LOCKMAN of Amherst, STETKIS of Canaan.

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

2 **Sec. 1. 26 MRSA §1193, sub-§4**, as amended by PL 1997, c. 391, §1, is further  
3 amended to read:

4 **4. Labor dispute.** For any week with respect to which the deputy, after notification  
5 by the Director of Unemployment Compensation under section 1194, subsection 2, finds  
6 that the claimant's total or partial unemployment is due to ~~a stoppage of work that exists~~  
7 ~~because of a labor dispute at the factory, establishment or other premises at which the~~  
8 ~~claimant is or was employed, or there would have been a stoppage of work had~~  
9 ~~substantially normal operations not been maintained with other personnel previously and~~  
10 ~~currently employed by the same employer and any other additional personnel that the~~  
11 ~~employer may hire to perform tasks not previously done by the striking employees.~~ This  
12 subsection does not apply if it is shown to the satisfaction of the deputy that:

13 A. The claimant is not participating in or financing or directly interested in the labor  
14 dispute ~~that caused the stoppage of work~~;

15 B. The claimant does not belong to a grade or class of workers of which,  
16 immediately before the commencement of the stoppage labor dispute, there were  
17 members employed at the premises at which the stoppage labor dispute occurs, any of  
18 whom are participating in or financing or directly interested in the dispute;

19 C. The claimant has obtained employment subsequent to the beginning of the  
20 ~~stoppage of work~~ labor dispute and has earned at least 8 times the claimant's weekly  
21 benefit amount in employment by an employer or has been in employment by an  
22 employer for 5 full weeks;

23 D. The claimant became unemployed because of a strike or lockout caused by an  
24 employer's willful failure to observe the terms of the safety and health section of a  
25 union contract; an employer's willful failure to comply in a timely fashion with an  
26 official citation for a violation of federal and state laws involving occupational safety  
27 and health; or the quitting of labor by an employee or employees in good faith  
28 because of an abnormally dangerous condition for work at the place of employment  
29 of that employee or employees; provided that the strike or lockout does not extend  
30 past the time of the employer's compliance with the safety and health section of the  
31 union contract, the employer's compliance with the official citation or the finding that  
32 an abnormally dangerous condition does not exist by a federal or state official  
33 empowered to issue official citations for violation of federal and state laws involving  
34 occupational safety and health; or

35 E. The claimant became unemployed because of a lockout by the employer. For  
36 purposes of this subsection, the word "lockout" means the withholding of  
37 employment by an employer from its employees for the purpose of resisting their  
38 demands or gaining a concession from them.

39 If in any case separate branches of work that are commonly conducted as separate  
40 businesses in separate premises are conducted in separate departments of the same  
41 premises, each department must, for the purposes of this subsection, be deemed to be a  
42 separate factory, establishment or other premises;

1

**SUMMARY**

2           This bill removes the provision of law affecting the disqualification for  
3 unemployment benefits of employees at an establishment at which there is a labor dispute  
4 and at which there would have been a work stoppage but for the employer's maintaining  
5 substantially normal operations through the use of other personnel. It also broadens the  
6 disqualification from unemployment benefits in current law for unemployment that is due  
7 to a stoppage of work caused by a labor dispute by eliminating the requirement that there  
8 be a stoppage of work. Instead, unemployment that is due to a labor dispute is sufficient  
9 grounds for a denial of benefits. It also updates the language of the exceptions to this  
10 disqualification in current law to reflect the elimination of the stoppage of work  
11 requirement.